

# Exhibit A

**Case Docket 2:23-cv-01731**

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CLOSED,HABEAS

**United States District Court**  
**District of Nevada (Las Vegas)**  
**CIVIL DOCKET FOR CASE #: 2:23-cv-01731-GMN-BNW**

Oelker v. Attorney General of the State of Nevada  
Assigned to: Judge Gloria M. Navarro  
Referred to: Magistrate Judge Brenda Weksler  
Cause: 28:1651 Petition for Writ of Habeas Corpus

Date Filed: 10/24/2023  
Date Terminated: 11/27/2023  
Jury Demand: None  
Nature of Suit: 530 Habeas Corpus  
(General)  
Jurisdiction: Federal Question

**Petitioner****Jeromy Oelker**

represented by **Jeromy Oelker**  
525 E Bonanza Rd  
Las Vegas, NV 89101  
PRO SE

V.

**Respondent****Attorney General of the State of Nevada**

represented by **Aaron D. Ford-AG**  
Nevada Attorney General  
100 North Carson Street  
Carson City, NV 89701  
775-684-1100  
Fax: 775-684-1108  
Email: usdcfilings@ag.nv.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
10/24/2023		Case randomly assigned to Judge Gloria M. Navarro and Magistrate Judge Brenda Weksler. (CT) (Entered: 10/24/2023)
10/24/2023	<a href="#">1</a>	PETITION for Writ of Habeas Corpus (Filing fee \$ 5 - PAID 6237) by Jeromy Oelker. (Attachments: # <a href="#">1</a> Receipt) (CT) (Entered: 10/25/2023)
10/25/2023	<a href="#">2</a>	NOTICE from USDC advising case against Attorney General of the State of Nevada, et al., has been received and assigned case number <b>2:23-cv-01731-GMN-BNW</b> . (CT) (Entered: 10/25/2023)
10/31/2023	<a href="#">3</a>	MOTION to Vacate Order by Petitioner Jeromy Oelker. Responses due by 11/14/2023. (ALZ) (Entered: 11/01/2023)

10/31/2023	<a href="#">14</a>	MEMORANDUM in Support by Petitioner Jeromy Oelker.. (ALZ) (Entered: 11/02/2023)
11/01/2023	<a href="#">4</a>	EXHIBIT A by Petitioner Jeromy Oelker. (ALZ) (Entered: 11/01/2023)
11/01/2023	<a href="#">5</a>	EXHIBIT B by Petitioner Jeromy Oelker. (ALZ) (Entered: 11/01/2023)
11/01/2023	<a href="#">6</a>	EXHIBIT C by Petitioner Jeromy Oelker. (ALZ) (Entered: 11/01/2023)
11/01/2023	<a href="#">7</a>	EXHIBIT D by Petitioner Jeromy Oelker. (ALZ) (Entered: 11/01/2023)
11/01/2023	<a href="#">8</a>	EXHIBIT E by Petitioner Jeromy Oelker. (ALZ) (Entered: 11/01/2023)
11/01/2023	<a href="#">9</a>	EXHIBIT F by Petitioner Jeromy Oelker. (ALZ) (Entered: 11/01/2023)
11/01/2023	<a href="#">10</a>	EXHIBIT G by Petitioner Jeromy Oelker. (ALZ) (Entered: 11/01/2023)
11/01/2023	<a href="#">11</a>	EXHIBIT H by Petitioner Jeromy Oelker. (ALZ) (Entered: 11/01/2023)
11/01/2023	<a href="#">12</a>	EXHIBIT J by Petitioner Jeromy Oelker. (ALZ) (Entered: 11/01/2023)
11/02/2023	<a href="#">15</a>	EXHIBIT R-1 by Petitioner Jeromy Oelker. (Attachments: # <a href="#">1</a> Exhibit)(ALZ) (Entered: 11/02/2023)
11/02/2023	<a href="#">16</a>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Brenda Weksler on 11/2/2023. Local Rule IA 7-2 and 10-2. By Deputy Clerk: ALZ. (Attachments: # <a href="#">1</a> E-mail)(Copies have been distributed pursuant to the NEF - ALZ) (Entered: 11/03/2023)
11/02/2023	<a href="#">17</a>	PETITION for Writ of Habeas Corpus (Filing fee \$ 5 - PAID) by Jeromy Oelker. (ALZ) (Entered: 11/03/2023)
11/07/2023	<a href="#">18</a>	DECLARATORY RELIEF by Petitioner Jeromy Oelker. (ALZ) (Entered: 11/08/2023)
11/16/2023	<a href="#">19</a>	NOTICE to Clerk of Court Regarding Assignment of Case to Magistrate Judge. (Document restricted under General Order 2021-03.) (Entered: 11/16/2023)
11/16/2023	<a href="#">20</a>	CERTIFICATE of Interested Parties by Jeromy Oelker. There are no known interested parties other than those participating in the case. (CT) (Entered: 11/16/2023)
11/27/2023	<a href="#">21</a>	ORDER Dismissing <a href="#">17</a> Amended Petition for Lack of Jurisdiction without Prejudice. ORDER denying <a href="#">3</a> Motion as MOOT. IT IS FURTHER ORDERED that petitioner is denied a certificate of appealability because jurists of reason would not find debatable whether the court is correct in dismissing this action. It is further ordered that the Clerk of the Court is directed to add Aaron D. Ford, Attorney General of the State of Nevada, to the docket for this case, as counsel for Respondent, and serve Respondent with a copy of this order. Respondent need take no action with respect to this case. IT IS FURTHER ORDERED that the Clerk enter judgment accordingly and close this case. Signed by Judge Gloria M. Navarro on 11/27/2023. (Copies have been distributed pursuant to the NEF - CT) (Entered: 11/29/2023)
11/29/2023	<a href="#">22</a>	JUDGMENT in favor of Attorney General of the State of Nevada against Jeromy Oelker. Signed by Clerk of Court Debra K. Kempf on 11/29/2023. (Copies have been distributed pursuant to the NEF - CT) (Entered: 11/29/2023)

12/04/2023	<a href="#">23</a>	MOTION to Amend <a href="#">17</a> Petition for Writ of Habeas Corpus by Petitioner Jeromy Oelker. Responses due by 12/18/2023. (CT) (pleading) (Entered: 12/04/2023)
12/15/2023	<a href="#">24</a>	MEMORANDUM for Motion to Amend <a href="#">17</a> Petition for Writ of Habeas Corpus by Petitioner Jeromy Oelker. (CT) (pleading) <u>Modified on 1/3/24 to change document from motion to memorandum. NEF regenerated.</u> (CT) (Entered: 12/18/2023)
12/27/2023	<a href="#">25</a>	MOTION to Vacate Judgment by Petitioner Jeromy Oelker. Responses due by 1/10/2024. (AMMi) (Entered: 12/28/2023)
01/03/2024	<a href="#">26</a>	DECLARATION of Exhibits by Petitioner Jeromy Oelker. (CT) (Entered: 01/04/2024)
01/05/2024	<a href="#">27</a>	EXHIBIT M in Support Rule 60(b)(4) <a href="#">25</a> Motion by Petitioner Jeromy Oelker. (Attachments: # <a href="#">1</a> PSI, # <a href="#">2</a> Transcript of Sentencing, # <a href="#">3</a> Transcript at Initial Arraignment, # <a href="#">4</a> Transcript, # <a href="#">5</a> Transcript PH, # <a href="#">6</a> Criminal Complaint, # <a href="#">7</a> Psychiatric Evaluation)(CT) (Entered: 01/09/2024)
01/12/2024	<a href="#">28</a>	EXHIBIT M-1 in Support Rule 60(b)(4) <a href="#">25</a> Motion by Petitioner Jeromy Oelker. (CT) (Entered: 01/12/2024)

PACER Service Center			
Transaction Receipt			
02/13/2024 09:43:05			
<b>PACER Login:</b>	oelkerjnavy2000	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:23-cv-01731-GMN-BNW
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20



# Exhibit B

**The court in Brown v. Allen "did not believe Congress intended to require repetitious application to state courts."**

Brown v. Allen, 344 U.S. 443, 448-49 (1953). In a later case, Fransisco v. Gaithright, 419 U.S. 59 (1974), the Court confronted a situation similar to that in Moore, where the state appellate courts had denied review of a habeas petitioner's claim without considering the issue on the merits. The Court stated that: [The state courts] had a full opportunity to determine the federal constitution issues before resort was made to a federal forum, and the policies served by the exhaustion requirement would not be furthered by requiring resubmission of the claims to the state courts. Id. at 63.

87377

## In the Supreme Court of the State of Nevada

Jeromy Oelker )  
Petitioner (*pro se*) )  
V. )  
State of Nevada )  
Respondent )

Case No. C-22-365622-1

Case No. 22CHR000445

Post-Conviction Petition  
for Writ of Habeas Corpus

**FILED**

OCT 02 2023

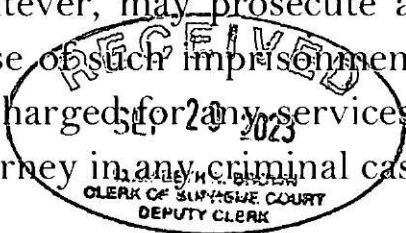
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

### PETITION FOR WRIT OF HABEAS CORPUS

Jeromy Oelker (*pro se*)  
525 E. Bonanza Rd.  
Las Vegas, NV 89101

### JURISDICTION

This Court has Appellate Jurisdiction; the criminal case originates within the State of Nevada. N.R.S. 34.360 Persons who may prosecute writ. Every person unlawfully committed, detained, confined or restrained of his or her liberty, under any pretense whatever, may prosecute a writ of habeas corpus to inquire into the cause of such imprisonment or restraint. N.R.S. 19.013(6) No fee may be charged for any services rendered to a defendant or the defendant's attorney in any criminal case or in habeas corpus proceedings.



23-32189

## **EXHIBITS**

- A) Covid-19 Result
- B) Harvey Gruber Emails
- C) “Case Details” /Docket (Henderson Justice Court)
- D) May 11<sup>th</sup>, 2022 Hearing Transcript
- E) May 26<sup>th</sup>, 2022 Hearing Transcript
- F) June 2<sup>nd</sup>, 2022 Hearing Transcript
- G) Dismissal Motion May 11<sup>th</sup> 2022, heard June 2<sup>nd</sup>, 2022
- H) Guilty Plea Agreement Jan 17<sup>th</sup>, 2023

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## **CLAIM FOR RELIEF**

A) The framers intended that the Due Process Clause was viewed not merely as a restraint on government power but as an obligation imposed on government to supply protection against private action. The clauses of the 14th amendment were understood by the framers as imposing duties on government to protect the natural rights of citizens.

The Due Process Rights Guaranteed by the 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendments that were violated are within the “Record.” They violated all of Nevada’s Criminal Rules of Procedure. This petition is for all aforementioned violations.

B) On April 25<sup>th</sup> I was seized for “Attempt Stop Required on Signal of Police Officer” and was held incommunicado at the Henderson jail until April 29<sup>th</sup>, 2022 and then April 29<sup>th</sup> I was transported to the Clark County Detention Center. I was strip searched and left naked incommunicado for roughly 5 more days. Then I was moved to a Covid-19 housing block for a few days, and was then moved to a cell in the North Tower, incommunicado. On May 11<sup>th</sup> I was transported to Henderson Justice Court. Upon attending hearings I was not afforded “Due Process” whatsoever, and due to that fact I agreed to a plea agreement, just so I could get to a law library. Upon being sentenced, I was transported to High Desert State Prison. Upon arriving there I wrote letters to Attorney Harvey Gruber requesting documents etc. He refused to get me a copy of the Covid 19 result and file a Habeas Corpus, but did provide some documents. (see page 4 section 6 of **Exhibit H**)



Within his August 17<sup>th</sup>, 2023 email he stated again he had no duty to assist me beyond sentencing. (See **Exhibit B**) *Roe v. Flores-Ortega*, 528 U.S. 470 (2000), *Jones v. Barnes*, 463 U.S. 745 (1983)

C) On May 2<sup>nd</sup>, 2022 I was “Intentionally” with “Bad Faith” and to gain a “Tactical Advantage” prejudiced by Prosecutor Raman J.P. when he stated to Judge Thomson E.L. that I was not brought before the court because I had Covid-19. (See **Exhibit A**)(**Exhibit C**) *Barker v. Wingo* 407 U.S. 514 (1972), *United States v. Lovasco*, 431 U.S. 783 (1977), *Berger v. United States*, 295 U.S. 78, 88-89 (1935), *United States v. Marion* 404 U.S. 307 (1971)

On May 2<sup>nd</sup>, 2022 I was prejudiced by Judge Thomson E.L. because he “Arbitrarily” and “Intentionally” did not require prosecution to provide the burden in order for him to approve another “Unreasonable delay.” Blatantly I was denied an “Impartial” judge, resultantly I was deprived my substantial right to Liberty and Property without due process. (**Exhibit A**)(**Exhibit C**) is the burden of proof to prove a “Miscarriage of Justice” and warrant a Writ of Habeas Corpus. **Before you read more please act now.** *Chapman v. California*, 386 U.S. 18 (1967)

D) On May 11<sup>th</sup>, 2022 Judge Gibson D.S. “Intentionally” prejudiced me by not allowing me to be heard under the 1<sup>st</sup> Amendment as I was attempting to contest the delays, and by not allowing me to discuss whether or not the complaint was defective or contained all the elements when I moved for dismissal and a bail hearing, and whether or not I needed counsel. Simply he should have stated; “on what grounds?” Furthermore he did not read the complaint, and he did not set bail. (See **Exhibit D**) Specifically he violated N.R.S. 174.015(2) the statute clearly states the Justice Court “**Must**” read the complaint or the substance of the charge. Neither Judge Gibson nor the court ever did comply, furthermore he stated during the June 2<sup>nd</sup> hearing that I had waived those rights when he appointed Mr.

## II

Hyte as Public Defender (**Exhibit F**). He blatantly lied, and his claim is outside the jurisdiction of any established statute as well violated my 6<sup>th</sup> Amendment right to “Notice of Accusation.” (see **Exhibit D**) “Failure to comply with arraignment requirements has held not to be jurisdictional, but a mere technical Irregularity not warranting a reversal of conviction, **IF** not raised before a trial” (See **Exhibit G**). *Garland v. State of Washington* 232 U.S. 642, 34 S. Ct. 456, 58 L.Ed. 772. Next he blatantly violates N.R.S. 171.188; (Procedure of Appointment of Attorney for indigent Defendants). Section (1) “The record “**Must**” indicate that the defendant was provided an opportunity to make an **oral** statement and whether the defendant made such a statement or declined to request the appointment of an attorney. If the defendant declined to request the appointment of an attorney, the record “**Must**” also indicate that the decision to decline was made knowingly and voluntarily and with an understanding of the consequences.” Judge Gibson also completely violated N.R.S. 171.186; “Rights of defendant before preliminary examination. The magistrate or master “**Shall**” **inform** the defendant of the complaint and of any affidavit filed therewith, of the right to retain counsel, of the right to request the assignment of counsel if the defendant is unable to obtain counsel, and of **the right to have a preliminary examination**. The magistrate or master “**Shall**” also **inform** the defendant that the defendant is not required to make a statement and that any statement made may be used against him or her. The magistrate shall allow the defendant reasonable time and opportunity to consult counsel, and “**Shall**” admit the defendant to bail as provided in this title.” Aside from the blatant violations to the 14<sup>th</sup> Amendment, I was also deprived my 6<sup>th</sup> Amendment right of “Self-Representation” under the Sixth Amendment. (see **Exhibit D**) *Faretta v. California*, 422 U.S. 806 (1975), *Glasser v. United States*, 315, U.S., 60 (1942), *Washington v. Recuenco*, 126, S. Ct., 2546, 2551 (2006), *Chapman v. California*, 386 U.S. 18, 22 (1967), *Tumey v. State of Ohio*, 273 U.S. 510, 535 (1927)

### III



On June 2<sup>nd</sup>, 2022 Judge Gibson did not hold the preliminary hearing (see **Exhibit F**) in violation of N.R.S. 171.196 Preliminary examination; 1. If an offense is **not triable in the Justice Court**, the defendant **must** not be called upon to plead. If the defendant waives preliminary examination, the magistrate **shall** immediately hold the defendant to answer in the district court. 2. If the defendant does not waive examination, the magistrate **shall** hear the evidence **within 15 days**, unless for good cause shown the magistrate extends such time. Unless the defendant waives counsel, reasonable time must be allowed for counsel to appear. In **Woerner v. Justice Court** the Nevada Supreme Court held "The Justice's court was not empowered to even consider the issue of competence because N.R.S. 178.405 gives the authority to decide that question to the trial court." See **Baccari v. State**, 97 Nev. 109, 624 P.2d 1008 (1981) (stating that competency is an issue for the trial court). "The justice court's role at the preliminary hearing is to determine whether there is probable cause to find that an offense has been committed and that the defendant has committed it. If the justice court finds probable cause, the court must order the defendant bound over for trial in the district court." *State of Nevada v. Justice Court*, 112 Nev. at 806, 919 P.2d at 402. (See also *State v. Fuchs*, 78 Nev. 63, 69, 368 P.2d 869, 871 (1962))

E) Starting with Public Defender Hyte, he refused to give me copies of the laws, and address the court with my concerns, and then withdrew on the quote unquote day I was scheduled to have a preliminary May 26<sup>th</sup>, 2022 causing me an "unreasonable delay"; also he never stated any reason for withdrawing that applies to his rules of Professional Conduct. He said over the phone that my due process rights were not applicable to Henderson Justice Court's local rules. He asserted he was the attorney and that he would defend his way, he also would not explain why I did not have a bail hearing.

## IV

Attorney Harvey Gruber stated on June 2<sup>nd</sup>, 2022: “I’m not filing motions that I believe to be “frivolous” which are going to file bar complaints.” After being forced to take drugs I was informed by Wendy at Lakes Crossing that I had to “cooperate” or the court would send me back to Lakes Crossing indefinitely, so I just went along with whatever they threw at me. Mr. Gruber kept giving the court continuances for the preliminary. He told me over the phone while at Lakes Crossing that he would not file a Habeas Corpus nor make any effort to mount a defense or gather evidence. He never did anything to secure my defense. He stated that he would request Body-camera footage etc. but never did. He was late to every hearing. We never had a private moment to discuss the case upon my returning to C.C.D.C., he also never accepted my calls either. It is also very obvious he was engaged in impropriety by not protecting my rights, as well as conflicted. *Brewer v. Williams*, 430 U.S. 387 (1977) It is undeniable I was being treated with “deliberate indifference.” The United States Constitution provides merely for the “Assistance of Counsel,” but the Supreme Court in *McMann v. Richardson* made it clear that defendants facing felony charges are entitled to the effective assistance of “Competent Counsel.” 397, US, 759 (1970) Had he performed effectively the case could have been dismissed on a number of grounds, to include a violation of my 6<sup>th</sup> amendment right to a speedy trial due to the fact defense caused no delays and the court failed to show “Good Cause.”. *Strickland v. Washington* 466 U.S. 668 (1984)

- F) When the “Officers of the Court” “Intentionally” and in “Bad Faith” violated said Statutes and Constitutional protections, they have in fact deprived me of life, liberty, and property without due process. For example my injuries are exponential physically and financially, self-evident, I was and am both subject to actual and immanent




injury by limitation of liberty, freedom of association, freedom of movement by virtue of wrongful imprisonment, financial expense of legal defense, reputational harm among members of my community, inability to transact business or obtain employment, inability to secure credit, and personal pain and suffering. Furthermore my truck was stolen while in custody as well. “Deprivation of fundamental liberty rights “for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Bums*, 96 S. Ct. 2673; 427 U.S. 347, 373 (1976) “The appropriate remedy” for the underlying right to counsel violations was dismissal of the indictment with prejudice. *United States, v. Morrison*, 449, U.S., 361, 364–65 (1981), *Tumey v. State of Ohio*, 273 U.S. 510, 535 (1927)

Under *Holland* the justices said that courts of equity “must be governed by rules and precedents no less than the courts of law.” *Lonchar v. Thomas*, 517 U.S. 314, 323 (1996) But we have also made clear that often the “exercise of a court’s equity powers must be made on a case-by-case basis.” *Baggett v. Bullitt*, 377 U. S. 360, 375 (1964). In emphasizing the need for “flexibility, ”for avoiding“ mechanical rules,” *Holmberg v. Armbrrecht*, 327 U.S. 392, 396 (1946) we have followed a tradition in which courts of equity have sought to “relieve hardships which, from time to time, arise from a hard and fast adherence” to more absolute legal rules, which, if strictly applied, threaten the evils of archaic rigidity,” *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U. S. 238, 248 (1944). The “flexibility” inherent in “equitable procedure” enables courts “to meet new situations that demand equitable intervention, and to accord all the relief necessary to correct particular injustices.” *Holland v. Florida*, 560 U.S. 631 (2010)

## VI

This “Miscarriage of Justice” extends way beyond “Plain and Structural errors.” “Judges and Prosecutors rest the duty of solicitude for the essential rights of the accused.” *Glasser v. United States*, 315, U.S., 60 (1942) “Structural Errors Doctrine is to ensure insistence on certain basic constitutional guarantees that should define the framework of any criminal proceeding.” *Weaver v. Massachusetts*, 2017, 137 S. Ct., 1899. The “Shock of Conscience” I have experienced is un-believable and will follow me the rest of my life. *County of Sacramento v. Lewis*, 523 U.S. 833 (1998) Their actions are defined as unfair, arbitrary, bias, malicious, egregious, capricious, wanton, violent, corrupt misconduct. The “Officers of the Court” have created a “Windfall.” Malfeasance historically was defined as “to do evil.” This court should set precedent an award me “Punitive Damages”, as well as an Award me for legal fees and of course grant Writ of Habeas Corpus, the evidence is clear and convincing.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this September 27<sup>th</sup> day of 2023 at Las Vegas, Nevada.



Jeromy Oelker (pro se)

**VII**

## **TABLE OF AUTHORITIES**

Roe v. Flores-Ortega, 528 U.S. 470 (2000).....	I
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## VIII



# Exhibit C-1

## Unsigned Probable Cause Affidavit

N.R.S. 53.045: Use of unsworn declaration in lieu of affidavit or other sworn declaration; exception. Any matter whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and dated.

**Henderson Police Department**  
**223 Lead Henderson, NV 89015**  
**Booking Custody Record**

**KD666** 2153

DR NUMBER 22-07789		PRE BOOKING NUMBER: B1002221719		SCOPE NVHP52117500 8640106		ARRESTED DATE AND TIME 04/25/2022 18:13:44	
LOCATION OF CRIME 136 Elm St, Henderson, NV 89015				LOCATION OF ARREST 136 Elm St, Henderson, NV, 89015			
MIRANDA GIVEN No		DATE AND TIME		GIVEN BY			
ARRESTING OFFICER 2675 - WEBBER, SHANE				TRANSPORT OFFICER 2728 - FIFE, ALLAN			
<b>PERSON INFORMATION</b>							
PERSON NAME (LAST, FIRST, MID, SUFFIX) OELKER, JEROMY, JOHN		SSN 470-96-1992		DOB 05/04/1980		AGE 41	
HEIGHT 5' 11"	WEIGHT 185	HAIR BLN - Blond	EYES GRN - Green	RACE W - White	GENDER M - Male	STATE OF BIRTH Minnesota	COUNTRY OF BIRTH United States of America
PERSON ADDRESS 136 Elm St, Henderson, NV 89015 (H)							
PHONE TYPE		PHONE NUMBER		ALIAS: Elker, Jeremy			
<b>VIOLATIONS</b>							
SEQUENCE 001	STATUTE 200.471.2b	CLASS B	NOC CODE 50201	COUNT 3	WARRANT NUMBER	COURT JC	
B-50201-Assault, w/DW							
SEQUENCE 004	STATUTE 207.185	CLASS G	NOC CODE 53158	COUNT 3	WARRANT NUMBER	COURT JC	
G-53158-Hate/bias crime							
SEQUENCE 007	STATUTE 484B.297.1	CLASS M	NOC CODE 53815	COUNT 1	WARRANT NUMBER	COURT JC	
M-53815-Pedestrian/animal rider fail walk/ride on sidewalk							
<b>PROBABLE CAUSE REVIEW</b>							
The undersigned Magistrate has reviewed the Affidavit and Declaration of Probable Cause for the arrest of the above-named defendant without warrant for the charge(s) shown.							
<b>FINDING</b>							
I find there is sufficient probable cause, for the purpose of continued incarceration, to believe that charged crime(s) have been committed and that said defendant has committed such crime(s). THEREFORE, IT IS ORDERED that the defendant may be held in custody until bail is posted.							
<input type="checkbox"/> BAIL: STANDARD <input type="checkbox"/> OTHER: \$							
I find there is NOT sufficient probable cause shown to allow the defendant to be held in custody. THEREFORE, IT IS ORDERED that the defendant be immediately release from custody as to the charge(s). This order is without prejudice to the City or State to proceed with the charge(s) based upon additional evidence sufficient to establish probable cause.							
<input type="checkbox"/> DPCH <input type="checkbox"/> OR RELEASE <input type="checkbox"/> COR RELEASE <input type="checkbox"/> IAD RELEASE							
COMMENT:							
RETURN DATE: NORMAL SCHEDULE <input type="checkbox"/> FIRST AVAILABLE <input type="checkbox"/> OTHER DATE:							
Signature of Magistrate: _____ Justice Court <input type="checkbox"/> Municipal Court <input type="checkbox"/> Date/Time:							

4/25/2022 11:44:28 PM

**Henderson Police Department**  
**223 Lead Henderson, NV 89015**  
**Booking Custody Record**

KD666

DR NUMBER 22-07856		PRE BOOKING NUMBER: B1002221720		SCOPE 8640106		ARRESTED DATE AND TIME 04/25/2022 18:13:29	
LOCATION OF CRIME 136 Elm St, Henderson, NV 89015				LOCATION OF ARREST 136 Elm St., Henderson, NV, 89015			
MIRANDA GIVEN No		DATE AND TIME		GIVEN BY			
ARRESTING OFFICER 2675 - WEBBER, SHANE				TRANSPORT OFFICER 2728 - FIFE, ALLAN			
<b>PERSON 1</b>							
PERSON NAME (LAST, FIRST, MID, SUFFIX) OELKER, JEROMY, JOHN		SSN 470-96-1992		DOB 05/04/1980		AGE 41	
HEIGHT 5' 11"	WEIGHT 185	HAIR BLN - Blond	EYES GRN - Green	RACE W - White	GENDER M - Male	STATE OF BIRTH	COUNTRY OF BIRTH
PERSON ADDRESS 136 Elm St, Henerson, NV 89015 (H)							
PHONE TYPE		PHONE NUMBER		ALIAS: Elker, Jeremy			
<b>VIOLATIONS</b>	SEQUENCE	STATUTE	CLASS	NOC CODE	COUNT	WARRANT NUMBER	COURT
	001	200.471.2c	B	50205	1		JC
B-50205-Assault on protected pers, w/DW							
<b>VIOLATIONS</b>	SEQUENCE	STATUTE	CLASS	NOC CODE	COUNT	WARRANT NUMBER	COURT
	002	200.481.2b	C	50216	1		JC
C-50216-BATT R/SBH-E/VOP							
<b>VIOLATIONS</b>	SEQUENCE	STATUTE	CLASS	NOC CODE	COUNT	WARRANT NUMBER	COURT
	003	200.481.2d	G	50221	1		JC
G-50221-Battery on protected pers							
<b>VIOLATIONS</b>	SEQUENCE	STATUTE	CLASS	NOC CODE	COUNT	WARRANT NUMBER	COURT
	004	199.280.3	M	52990	1		JC
M-52990-Resist pub off							
<b>VIOLATIONS</b>	SEQUENCE	STATUTE	CLASS	NOC CODE	COUNT	WARRANT NUMBER	COURT
	005	207.185	G	53158	1		JC
G-53158-Hate/bias crime							
<b>VIOLATIONS</b>	SEQUENCE	STATUTE	CLASS	NOC CODE	COUNT	WARRANT NUMBER	COURT
	006	484B.267	M	53806	1		JC
M-53806-Fail yield to emerg veh							
<b>PROBABLE CAUSE REVIEW</b>							
The undersigned Magistrate has reviewed the Affidavit and Declaration of Probable Cause for the arrest of the above-named defendant without warrant for the charge(s) shown.							
<b>FINDING</b>							
I find there is sufficient probable cause, for the purpose of continued incarceration, to believe that charged crime(s) have been committed and that said defendant has committed such crime(s). THEREFORE, IT IS ORDERED that the defendant may be held in custody until bail is posted.							
<input type="checkbox"/> BAIL: STANDARD <input type="checkbox"/> OTHER: \$							
I find there is NOT sufficient probable cause shown to allow the defendant to be held in custody. THEREFORE, IT IS ORDERED that the defendant be immediately release from custody as to the charge(s). This order is without prejudice to the City or State to proceed with the charge(s) based upon additional evidence sufficient to establish probable cause.							

4/26/2022 12:31:44 AM

☐ DPCH ☐ OR RELEASE ☐ COR RELEASE ☐ IAD RELEASE

COMMENT:

RETURN DATE: NORMAL SCHEDULE ☐ FIRST AVAILABLE ☐ ☐ OTHER DATE:

Signature of Magistrate: \_\_\_\_\_ Justice Court ☐ Municipal Court ☐ Date/Time:

4/26/2022 12:31:44 AM



# Exhibit C-2

## Unsigned Criminal Information

N.R.S. 173.075 Nature and contents generally (1): The indictment or the information must be a plain, concise and definite written statement of the essential facts constituting the offense charged. **It must be signed by** the Attorney General acting pursuant to a specific statute or the district attorney.

JUSTICE COURT, HENDERSON TOWNSHIP  
CLARK COUNTY, NEVADA

A/O 10/24/22

THE STATE OF NEVADA,

LAKE CROSSING

Plaintiff,

-vs-

JEROMY JOHN OELKER, aka,  
Jeromy J. Oelker #8640106,

Defendant.

22CRH000445

DA CASE NO: 202225837C

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201), BATTERY RESULTING IN SUBSTANTIAL BODILY HARM, VICTIM 60 YEARS OF AGE OR OLDER (Category C Felony - NRS 200.481, 193.167 - NOC 50216), ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50205), BATTERY ON AN OFFICER (Gross Misdemeanor - NRS 200.481 - NOC 50221), RESISTING PUBLIC OFFICER (Misdemeanor - NRS 199.280 - NOC 52990) and STOP REQUIRED ON SIGNAL OF POLICE OFFICER (Category B Felony - NRS 484B.550.3b - NOC 53833), in the manner following, to wit: That the said Defendant, on or between March 28, 2022 and April 25, 2022, at and within the County of Clark, State of Nevada,

COUNT 1 - ASSAULT WITH A DEADLY WEAPON

did on or about April 23, 2022 willfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully attempt to use physical force against another person, to wit: BRYSON KENNEDY MCFARLING-DAVIS, with use of a deadly weapon, to wit: a stick and/or piece of wood, by approaching the said SAVANNAH-BRESHAE MCFARLING-DAVIS with said stick in an attempt to strike her.

//

1     COUNT 2 - ASSAULT WITH A DEADLY WEAPON

2             did on or about April 23, 2022 willfully, unlawfully, feloniously and intentionally place  
3     another person in reasonable apprehension of immediate bodily harm and/or did willfully and  
4     unlawfully attempt to use physical force against another person, to wit: BRYSON KENNEDY  
5     MCFARLING-DAVIS, with use of a deadly weapon, to wit: a stick and/or piece of wood, by  
6     approaching the said BRYSON MCFARLING-DAVIS with said stick in an attempt to strike  
7     her.

8     COUNT 3 - ASSAULT WITH A DEADLY WEAPON

9             did on or about April 23, 2022 willfully, unlawfully, feloniously and intentionally place  
10    another person in reasonable apprehension of immediate bodily harm and/or did willfully and  
11    unlawfully attempt to use physical force against another person, to wit: BRYSON KENNEDY  
12    MCFARLING-DAVIS, with use of a deadly weapon, to wit: a stick and/or piece of wood, by  
13    approaching the said BROCK TYREESE MCFARLING-DAVIS with said stick in an attempt  
14    to strike her.

15    COUNT 4 - BATTERY RESULTING IN SUBSTANTIAL BODILY HARM, VICTIM 60  
16             YEARS OF AGE OR OLDER

17            did on or about March 28, 2022 willfully, unlawfully, and feloniously use force or  
18    violence upon the person of another, to wit: ROSANGEIA MARQUES, who is 60 years of  
19    age or older, by pushing the said ROSANGEIA MARQUES, resulting in substantial bodily  
20    harm to ROSANGEIA MARQUES.

21    COUNT 5 - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY  
22             WEAPON

23            did on or about April 25, 2022 willfully, unlawfully, feloniously and intentionally place  
24    another person in reasonable apprehension of immediate bodily harm and/or did willfully and  
25    unlawfully attempt to use physical force against another person, to wit: J. WOODS, a protected  
26    person employed as a police officer, while J. WOODS was performing his duties as a police  
27    officer, which Defendant knew, or should have known, that J. WOODS was a police officer,  
28    with use of a deadly weapon, to wit: a motor vehicle, by attempting to striking the said J.

1 WOODS.

2 COUNT 6 - BATTERY ON AN OFFICER

3 did on or about April 24, 2022 willfully, unlawfully and knowingly use force or  
4 violence upon the person of another, to wit: D. MEDRANO, who was performing his duty as  
5 a peace officer employed with the Henderson Police Department, which defendant knew or  
6 should have known that D. MEDRANO was an officer, by grabbing the said D. MEDRANO's  
7 taser from his hand and causing his hand to bend backwards.

8 COUNT 7 - RESISTING PUBLIC OFFICER

9 did on or about April 24, 2022 willfully and unlawfully, resist, delay, and/or obstruct  
10 police officer S. WEBBER, with the Henderson Police Department, a public officer, in  
11 discharging or attempting to discharge any legal duty, to wit: by fleeing from the collision  
12 and/or physically resisting arrest.

13 COUNT 8 - STOP REQUIRED ON SIGNAL OF POLICE OFFICER

14 did on or about April 24, 2022 while driving a motor vehicle at 145 Elm Street,  
15 Henderson, Clark County, Nevada, willfully, unlawfully, and feloniously fail or refuse to bring  
16 said vehicle to a stop, or otherwise flee or attempt to elude a peace officer in a readily  
17 identifiable vehicle of any police department or regulatory agency, to wit: S. WEBBER, with  
18 the Henderson Police Department, after being given a signal to bring the vehicle to a stop, and  
19 did operate said motor vehicle in a manner which endangered, or was likely to endanger any  
20 person other than himself or the property of any person other than himself.

21 All of which is contrary to the form, force and effect of Statutes in such cases made and  
22 provided and against the peace and dignity of the State of Nevada. Said Complainant makes  
23 this declaration subject to the penalty of perjury.

24 \_\_\_\_\_  
04/26/22

25  
26 /jmc  
27 HPD EV# 2207789  
28 (TK)

# Exhibit C-3

See Attorney Harvey Gruber email dated 25<sup>th</sup> September 2023, the Police report was also not signed.

N.R.S. 53.045: Use of unsworn declaration in lieu of affidavit or other sworn declaration; exception. Any matter whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and dated.

# Exhibit C-4

Email from Court Reporter Ms. Berndt, dated January 8<sup>th</sup>, 2024.

In September 2023, I contacted the Henderson Court Reporter and she stated she would not give me the hearing audio, and she stated that the Henderson Justice Court with state of the art audio equipment does not record the Criminal Proceedings.

I declare the Court reporter has committed Fraud by changing the statements made in court on May 11<sup>th</sup>, 2022.

After speaking with the court reporter from the 8<sup>th</sup> Judicial District of Nevada she stated the hearings are to be recorded as per the Nevada State Legislature, ie Nevada Revised Statute.

RE: Case No. C-22-365622.....Form Filled Out..... DEPT 32/ July 1st 2022/ Competency Hearing/ Judge Christy Craig

---

From: Berndt, Kaihla (berndtk@clarkcountycourts.us)

To: oelkerj@yahoo.com

Date: Monday, January 8, 2024 at 04:58 PM PST

---

Yes, it is. NRS 3.320 through NRS 3.380 cover audiovisual recordings for both civil and criminal cases. If you have any other questions related to the statutes, you will need to contact your attorney as I am not allowed to provide legal advice or legal information.

---

**From:** jeromy oelker <oelkerj@yahoo.com>

**Sent:** Monday, January 8, 2024 2:04 PM

**To:** Berndt, Kaihla <BerndtK@clarkcountycourts.us>

**Subject:** Re: Case No. C-22-365622.....Form Filled Out..... DEPT 32/ July 1st 2022/ Competency Hearing/ Judge Christy Craig

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Ms. Berndt,

Is it state law that all criminal proceeding be recorded via audio and video?

Will you please cite the N.R.S. regarding the recording of Criminal Hearings?

Thank you,

Jeromy Oelker

On Monday, January 8, 2024 at 01:58:30 PM PST, Berndt, Kaihla <[berndtk@clarkcountycourts.us](mailto:berndtk@clarkcountycourts.us)> wrote:

Unfortunately, I do not have control over the fees. The fees are mandated per NRS 3.370. Therefore, I cannot reduce the amount.

The CD you ordered will contain the audiovisual proceedings of the requested hearing, but it will not contain a transcript.

I will send you the invoice for the CD with payment instructions shortly. Once the invoice has been paid, I will send you pick-up instructions, or you may request to have the CD mailed to you.

---

**From:** jeromy oelker <[oelkerj@yahoo.com](mailto:oelkerj@yahoo.com)>

**Sent:** Monday, January 8, 2024 1:56 PM

**To:** Berndt, Kaihla <[BerndtK@clarkcountycourts.us](mailto:BerndtK@clarkcountycourts.us)>

**Subject:** Re: Case No. C-22-365622.....Form Filled Out..... DEPT 32/ July 1st 2022/ Competency Hearing/ Judge Christy Craig

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Ms Berndt,

How about a copy of the video? How much would that cost?

Thank you,  
Jeromy Oelker

On Monday, January 8, 2024 at 01:54:29 PM PST, jeromy oelker <[oelkerj@yahoo.com](mailto:oelkerj@yahoo.com)> wrote:

Ms. Berndt,  
\$21 seems kind of steep, how about \$10. If not just the cd will be fine.  
It couldn't be more than 2 pages?!?

Thank you for your consideration,  
Jeromy Oelker

On Monday, January 8, 2024 at 01:51:02 PM PST, Berndt, Kaihla <[berndtk@clarkcountycourts.us](mailto:berndtk@clarkcountycourts.us)> wrote:

Once I have completed the order, I will then send you the invoice for the total amount with payment instructions.

It is purely up to you whether you would like to order the transcript. You are correct; the hearing was short. That said, I am not backlogged on orders and would be able to type the transcript for you with a quick turnaround time and only charge you the 30-day rate. If you ordered the transcript and the CD, your total would be **approximately** \$21.00.



Let me know if you would like to add the transcript to your order.

---

**From:** jeromy oelker <[oelkerj@yahoo.com](mailto:oelkerj@yahoo.com)>

**Sent:** Monday, January 8, 2024 1:46 PM

**To:** Berndt, Kaihla <[BerndtK@clarkcountycourts.us](mailto:BerndtK@clarkcountycourts.us)>

**Subject:** Re: Case No. C-22-365622.....Form Filled Out..... DEPT 32/ July 1st 2022/ Competency Hearing/ Judge Christy Craig

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Ms. Berndt,

I know the hearing was short.

How will I know how much to pay the clerks, should I decide to pay for the transcript as well?

Thank you,  
Jeromy Oelker

On Monday, January 8, 2024 at 01:43:41 PM PST, Berndt, Kaihla <[berndtk@clarkcountycourts.us](mailto:berndtk@clarkcountycourts.us)> wrote:

Of course.

The CD for the hearing you are requesting will be \$2.00.

The cost of the transcript of that same hearing will vary depending on the deadline you choose. I estimate the transcript will be *approximately* 5 pages in length. Below are **estimates** for each deadline we offer.

30-day request: \$3.80 per page x 5 pages = \$19.00

Within four days: \$5.01 per page x 5 pages = \$25.05

Within 48 hours: \$6.01 per page x 5 pages = \$30.05

Within 24 hours: \$8.03 per page x 5 pages = \$40.15

Please keep in mind, these are **estimates** as I cannot be sure of the transcript length until it is complete.

---

**From:** jeromy oelker <[oelkerj@yahoo.com](mailto:oelkerj@yahoo.com)>

**Sent:** Monday, January 8, 2024 1:21 PM

**To:** Berndt, Kaihla <[BerndtK@clarkcountycourts.us](mailto:BerndtK@clarkcountycourts.us)>

**Subject:** Re: Case No. C-22-365622..... DEPT 32/ July 1st 2022/ Competency Hearing/ Judge Christy Craig

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Ms. Berndt,  
Will you please provide me with a quote for both the transcript and cd?

Thank you,  
Jeromy Oelker

On Friday, January 5, 2024 at 01:22:53 PM PST, Berndt, Kaihla <[berndtk@clarkcountycourts.us](mailto:berndtk@clarkcountycourts.us)> wrote:

I do not have the application for proceeding in forma pauperis. I believe you can get access to any forms you need from the Self-Help Center of the Eighth Judicial District Court.

If you would like to proceed with ordering the CD and paying the \$2.00 fee, I just need the order form I sent filled out and returned to me. I would then send you an invoice with payment instructions. Once the invoice is paid with the Clerk's Office, I would then send you pick-up instructions or the CD can be mailed, whatever your preference is.

---

**From:** jeromy oelker <[oelkerj@yahoo.com](mailto:oelkerj@yahoo.com)>

**Sent:** Friday, January 5, 2024 1:15 PM

**To:** Berndt, Kaihla <[BerndtK@clarkcountycourts.us](mailto:BerndtK@clarkcountycourts.us)>

**Subject:** Re: Case No. C-22-365622..... DEPT 32/ July 1st 2022/ Competency Hearing/ Judge Christy Craig

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Ms. Berndt,  
Do you have the form for IFP?  
If so would you please email it to me?  
Also can I pay the \$2 to the Clerk's office?

Thank you,  
Jeromy Oelker

On Friday, January 5, 2024 at 11:09:28 AM PST, Berndt, Kaihla <[berndtk@clarkcountycourts.us](mailto:berndtk@clarkcountycourts.us)> wrote:

Hello,

In order to request the fees to be waived, you would need to file an application to proceed in forma pauperis and indicate in your application your request to have the fees be waived for audiovisual proceedings for the date you are requesting. Judge Craig would then review that application and approve or deny your request. Otherwise, you may contact your Attorney Harvey Gruber, and he can request the audiovisual proceedings on your behalf.

Alternatively, the CD for that hearing is \$2.00. If you would like to proceed with just ordering the CD and paying the \$2.00 fee, you may fill out the attached order form and return it to me.

Please let me know how you would like to proceed. Thank you.

**Kaihla Berndt**

Court Recorder to the  
Honorable Christy Craig  
District Court Dept. XXXII  
[berndtk@clarkcountycourts.us](mailto:berndtk@clarkcountycourts.us)  
(702) 671-3937

---

**From:** jeromy oelker <[oelkerj@yahoo.com](mailto:oelkerj@yahoo.com)>

**Sent:** Friday, January 5, 2024 9:47 AM

**To:** Berndt, Kaihla <[BerndtK@clarkcountycourts.us](mailto:BerndtK@clarkcountycourts.us)>; jeromy oelker <[oelkerj@yahoo.com](mailto:oelkerj@yahoo.com)>

**Subject:** Case No. C-22-365622..... DEPT 32/ July 1st 2022/ Competency Hearing/ Judge Christy Craig

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Ms. Berndt,

I was adjudicated by Judge Christy Craig on July 1st, 2022. During the hearing was in custody at C.C.D.C., and the hearing was held on a remote t.v. monitor. I shall require the hearing audio. I am indigenous and also shall require a fee waiver form also.

Thank you,  
Jeromy Oelker

Ref;  
Court Reporter/ Kaihla Berndt  
(702) 671-3937

# Exhibit D

In my Motion to Dismiss, I address unreasonable delays, 6th Amendment violations, and subject matter jurisdiction. Judge Gibson is Partial and never enforces Nevada Rule 11(b): Within 10 days after the service of the motion, the opposing party shall file and serve a written opposition thereto, together with a memorandum of points and authorities and supporting affidavits or unsworn declarations, if any, stating facts showing why the motion should be denied. Failure of the opposing party to file and serve a written opposition may be construed as an admission that the motion is meritorious and consent to granting the same. Nor does he require the Prosecution to prove Subject Matter Jurisdiction. Without adherence to Nevada's Statutory Procedural Due Process Requirements applicable to a Criminal Prosecution the court lacked subject matter. "Once jurisdiction is challenged, it must be proven." Hagans V. Lavine, 415 U.S. 533; **"Where there is absence of jurisdiction, all administrative and judicial proceedings are a nullity** and confer no right, offer no protection, and afford no justification, and may be rejected upon direct attack." Thompson V. Tolmie, 2 Pet. 157, 7 L. Ed. 381; Griffith V. Frazier, 8 Cr. 9, 3 L.Ed. 471; When Jurisdiction challenges the act of Federal or State official as being illegal, that official cannot simply avoid liability based on the fact that he is a public official. [United States V. Lee 106 U.S. 196, 220, 221, 1 S. CT 240, 2611.



STATE OF NEVADA  
V.S.MAY 11 2022  
CASE # 202225837C

JEROMY DELKER

MOTION TO DISMISS

ON THIS MAY 11th DAY THE DEFENDANT (JEROMY DELKER) MOVES THIS COURT TO DISMISS CASE # 202225837C WITH PREJUDICE. THE BERGER RULING HAS LONG HELD THAT THE PROSECUTOR'S "SPECIAL DUTY" TO "DO JUSTICE" SHALL ENDEAVOR AT EVERY STAGE OF THE PROCEEDINGS. THE PROSECUTOR IS GUARANTEED ONLY ONE FAIR TRIAL BY NOT VIOLATING THE DEFENDANT'S MYRIAD STATUTORY AND CONSTITUTIONAL RIGHTS. WHEN THE PROSECUTOR USES IMPROPER METHODS TO CAUSE TACTICAL DELAYS, IT RESULTS IN WRONGFUL CONVICTIONS. CONCURRENTLY DELAYS ALSO TRIGGER A DIRECT VIOLATION TO THE DEFENDANT'S 6TH AMENDMENT "SPEEDY TRIAL RIGHTS." UNDER THE DOGGET RULING THE TIMELINESS REQUIREMENTS GUARANTEED BY THE 14 AMENDMENT ARE ETHICAL MANDATES THE PROSECUTION CANNOT TRAVERSE. TO WARRANT A FULL DISMISSAL UNDER BOTH THE BERGER RULING AND THE DOGGET RULING THE DEFENDANT NEEDS TO DEMONSTRATE ONLY "ONE" VIOLATION TO HIS STATUTORY AND CONSTITUTIONAL RIGHTS. FURTHERMORE A RETRIAL IS BARRED REGARDLESS OF ANY DEMONSTRATABLE HARM.



ON APRIL 25th I WAS SUBJECT TO A FALSE ARREST. THE OFFICER NEVER HAD A WARRENT AND WAS ENGAGING IN TERRORISTIC THREATS. HIS NAME IS OFFICER MEDRANO #1666. UNDER NRS, 174 I WAS TO BE ARRAIGNED ON APRIL 28th, 2022. I WAS IN MY CELL UNDER MEDICAL OBSERVATION. I WAS NEVER ALLOWED TO ATTEND COURT. ON MAY 26th, 2022 THE PUBLIC DEFENDER STATED I "REFUSED". THAT IS NOT TRUE WHATSOEVER, FURTHERMORE NRS, 174 DOES NOT ALLOW IMPRISONED DEFENDANTS TO REFUSE. IT IS THE EFFECTUAL BUSINESS OF THE PEOPLE OF NEVADA, THE ARRAIGNMENT TAKE PLACE "WITHIN" 72 HOURS. WHEN THE STATE OF NEVADA INTENTIONALLY VIOLATED NRS. 174 THEY TRIGGERED A CHAIN REACTION OF VIOLATIONS TO THE TIMELINESS REQUIREMENTS GUARENTEED UNDER THE "SPEEDY TRIAL CLAUSE." ON APRIL 28th, 2022, THE DEFENDANT WAS NOT ALLOWED TO MOTION FOR DISCOVERY, HAVE A BAIL HEARING, AND SECURE PHYSICAL EVIDENCE FOR MY DEFENSE. HENCE A SPOILATION OF EVIDENCE HAD ENSUED.



CASE # 202225831C

PAGE 3 OF 8

## MOTION TO DISMISS

ON MAY 11th, 2022, THE PROSECUTION ENGAGED IN MORE MISCONDUCT WHEN SHE DID NOT OBJECT TO THE JUDGE ALLOWING ME TO FILE MOTIONS.

ON MAY 11th, THE DEFENDANT WAS NOT ALLOWED A BAIL HEARING, NOR WAS I ALLOWED TO MOTION FOR DISCOVERY, PLEAD, NOR HAVE A COMPLAINT.

I ALSO NEVER WAIVED MY RIGHT TO REPRESENT MYSELF, ON MAY 11th JUDGE GIBSON ALSO DENIED ME MY RIGHT TO "PLEAD" BEFORE A DISTRICT JUDGE. THE PROSECUTION HAS A DUTY AS AN OFFICER OF THE COURT TO MAKE SURE RIGHTS ARE AFFORDED TO THE DEFENSE, AND MUST OBJECT IN ORDER TO QUALIFY FOR THEIR GUARANTEED "ONE" FAIR TRIAL.

ON MAY 11th, 2022 THE PROSECUTOR NEVER EVEN SPOKE WHICH INCASE THEY MAY BE SUBJECT TO AN "IMPROPER EX PARTE." THE PREPONDERANCE CAN BE FOUND ON THE COURT DOCKET AND WITHIN THE HEARING AUDIO RECORDINGS/TRANSCRIPTS.

MAY 11, 2022

PAGE 3 OF 8



THIS COURT HAS GOADED A MISTRIAL, AND HAS ENGAGED IN "FRAUD UPON THE COURT." WHEN A PROSECUTOR ENGAGES IN MISCONDUCT THEY LOSE "SUBJECT MATTER JURISDICTION." HAD THE PROSECUTOR NOT VIOLATED NRS. 174 DISCOVERY SHOULD HAVE BEEN RECEIVED NO LATER THAN MAY 13th, 2022. ON MAY 26th I WAS STILL NOT ALLOWED TO MOTION FOR DISCOVERY OR HAVE A BAIL HEARING, AND AGAIN THE PROSECUTOR DID NOT OBJECT. THE TIMELINESS GUARENTEE OF THE "SPEEDY TRIAL CLAUSE" WAS LEGISLATED TO PREVENT THE DEFENDANTS LIFE, LIBERTY, AND PROPERTY FROM PERIL BEYOND 72 HOURS FROM THE TIME OF APPREHENSION. THE PROSECUTOR INTENTIONALLY CAUSED DELAYS TO GAIN A TACTICAL ADVANTAGE. AN ASSIGNMENT OF A PUBLIC DEFENDER ALSO CAN NOT BE USED TO CAUSE DELAYS. I HAVE NEVER WAIVED MY RIGHT TO SPEEDY TRIAL. AGAIN NOR DID I WAIVE MY RIGHT TO REPRESENT MYSELF.



CASE # 202225837C

MOTION TO DISMISS

IN SUMMARY

- ① I WAS NOT ARRAIGNED WITHIN 72 HOURS OF THE ARREST
- ② I WAS NOT ALLOWED TO MOTION FOR DISCOVERY
- ③ I WAS NOT READ ANY COMPLAINT BY THE JUDGE (NEVER WAIVED)
- ④ I WAS NOT ALLOWED 24 HOURS TO READ THE COMPLAINT
- ⑤ I WAS NOT ALLOWED TO PLEAD GUILTY IF IN SUCH CASE IT WAS WARRANTED TO SAVE TIME
- ⑥ I WAS NOT ALLOWED A BAIL HEARING
- ⑦ THE JUDGE DENIED ME MY RIGHT TO PLEAD AND HAVE TRIAL BEFORE A DISTRICT JUDGE
- ⑧ MY SPEEDY TRIAL RIGHTS ARE VIOLATED
- ⑨ EVIDENCE SPOILATION HAS OCCURRED
- ⑩ I WAS NOT ALLOWED TO MOTION FOR AN EVIDENTIARY HEARING AS MY LEAD WITNESS IS 88 YEARS OLD AND NATURALLY SLOW OF MEMORY



IN ANY CASE UNDER THE DUGGOT RULING PROOF OF DEMONSTRABLE HARM TO THE DEFENSE IS NOT A REQUIREMENT

FOR THE RECORD ON MAY 11th 2022 I INVOKED MY FEDERAL RIGHT TO PLEAD BEFORE A DISTRICT JUDGE BECAUSE <sup>JUDGE GIBSON</sup> APPEARED PARTIAL BY NOT PICKING UP ON THE FACT NRS, 174 WAS BLATANTLY VIOLATED.

CORRECT ME IF I'M WRONG BUT I COULD NOT FIND A PRE-TRIAL RIGHT THAT THE HENDERSON JUSTICE COURT AND STATE OF NEVADA DID NOT VIOLATE....

DUE TO THE FACT I HAVE HAD MY LIFE, LIBERTY, AND PROPERTY PUT IN PERIL... WITHOUT FORMAL / LAWFUL CHARGE FOR 38 DAYS, THIS COURT MUST DISMISS THE DEFECTIVE COMPLAINT WITH PREJUDICE AND RELEASE ME FROM JAIL CUSTODY NOW AS IN DUE PROCESS.



MAY 11TH 2022

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CASE # 202225837C

MOTION TO DISMISS

IN FINAL THE SUPREME JUSTICES HAVE RULED THAT ASCERTION OF RIGHTS CANNOT BE MADE A CRIME NOR BECOME PUNISHABLE WITH JAIL TORTURE. AN ASCERTION OF RIGHTS IS GUARANTEED UNDER THE 1ST AND 2ND AMENDMENTS, ALSO UNDER U.S. CODE RIGHTS "CAN" BE WAIVED IN REGARDS TO CRIMINAL PROCEEDINGS AND DO NOT HAVE TO BE INVOKED. THAT STATEMENT IS AFFIRMED IN ARTICLE 3 OF THE U.S. CONSTITUTION UNDER "SUPREMACY CLAUSE," USURPATION OF U.S. CODE IS A FORM OF STATE SUCCESSION. ALSO "FRAUD UPON THE COURT" IS DEFINED AS "CRIMINAL CONTEMPT OF COURT" AND "TREASON." THAT STATEMENT CAN BE AFFIRMED BY THE 1958 RULING AUTHORED BY JUSTICE BRENNAN. THE SUPREME COURT ALSO HAS RULED THAT PRO SE DEFENDANTS FILINGS AND MOTIONS CAN BE CONSTRUED LIBERALLY AS LONG AS THEY ARE COMPREHENSIBLE. PLEASE TAKE NOTE I DO NOT ALWAYS HAVE A PENCIL SHARPENER.

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IN CLOSING THE SUPREME JUSTICES HAVE ALSO HELD THE APPEARANCE OF JUSTICE IS NOT SUFFICIENT, BUT THAT THE DEFENDANT AND THE PUBLIC MUST FEEL THAT THEY HAVE RECEIVED JUSTICE, AS IN "EQUAL RIGHTS," UNDER 42 U.S.C. 1985 THE JUSTICES HAVE HELD THAT "ANY" DEPRIVATION OF RIGHTS CONCURRENTLY BECOMES A "CONSPIRACY AGAINST RIGHTS" 18 U.S.C. 241, WHICH THEN ATTACHES AS "RACISM", BECAUSE A CONSPIRACY AGAINST RIGHTS IS BY DEFINITION "COLOR BLIND." THIS COURT MUST ALSO IMPOSE SANCTIONS UPON THE PROSECUTION AND PUBLIC DEFENDER FOR TACTICAL DELAYS WHICH ARE BY DEFINITION "CRIMINAL CONTEMPT OF COURT." ASIDE FROM MISSED WAGES, EVIDENCE SPOILS, NO ACCESS TO MY PRIVATE PHYSICIAN, MY LEGAL TIME SHEET IS IN EXCESS OF 50+ HOURS. THIS COURT MUST DISMISS WITH PREJUDICE. DUTY TO JUSTICE IS A SLIPPERY SLOPE.

RESPECTFULLY,

Jerome Delker

State of Nevada

May 11<sup>th</sup>, 2022

v.s.

Case # 202225837c

Jeromy Oelker

Motion to Dismiss

On this May 11th day, the defendant (Jeromy Oelker) moves this court to dismiss case # 202225837C with prejudice. The Berger ruling has long held that the prosecutor's, "special duty" to "do justice" shall endeavor at every stage of the proceedings.

The prosecutor is guaranteed only one fair trial by not violating the defendants myriad statutory and constitutional rights. When the prosecutor uses improper methods to cause tactical delays it results in wrongful convictions. Concurrently delays also trigger a direct violation to the defendant's 6th amendment "speedy trial rights." Under the Doggett ruling the timeliness requirements guaranteed by the 14th amendment are ethical mandates the prosecution cannot traverse. To warrant a full dismissal under both the Berger ruling and the Doggett ruling the defendant needs to demonstrate only "one" violation to his statutory and constitutional rights. Furthermore retrial is barred regardless of any demonstrable harm.

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On April 25 I was subject to false arrest. The officer never had a warrant and was engaging in terroristic threats. His name is Officer Medrano numbers #1666. Under N.R.S.174 I was to be arraigned on April 28, 2022. I was in my cell under medical observation. I was never allowed to attend court. On May 26th,



2022 the public defender stated I “refused.” That is not true whatsoever, furthermore, N.R.S.174 does not allow imprisoned defendants to refuse. It is the effectual business of the people of Nevada the arraignment take place within 72 hours. When the state of Nevada intentionally violated N.R.S.174 they triggered a chain reaction of violations to the timeliness requirements guaranteed under the “speedy trial clause.” On April 28, 2022. the defendant was not allowed to motion for discovery, have a bill hearing, and secure physical evidence for my defense. Hence, a spoliation of evidence had ensued.

Page 2 of 8

On May 11<sup>th</sup>, 2022 the prosecution engaged in more misconduct when she did not object to the judge, not allowing me to file motions. On May 11<sup>th</sup>, the defendant was not allowed a bail hearing, nor was I allowed the motion for discovery, plead, nor have a complaint. I also never waived my right to represent myself. On May 11th Judge Gibson also denied me my right to “plead” before a district judge. The prosecution has a duty as an officer of the court to make sure rights are afforded to the defense, and must object in order to qualify for their guaranteed “one” fair trial. On May 11th, 2022 the prosecutor never even spoke which in case they may be subject to “improper ex parte.” The preponderance can be found on the court docket, and within the hearing audio recordings/ transcripts.

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This court has Goaded a mistrial, and has engaged in “fraud upon the court.” When a prosecutor engages in misconduct, they lose “subject matter jurisdiction.” Had the prosecutor not violated N.R.S.174 discovery should have been received no later

than May 13th, 2022. On May 26th I was still not allowed to motion for discovery or have a bail hearing, and again the prosecutor did not object. The timeliness guarantee of the “speedy trial clause” was legislated to prevent the defendants life, liberty and property from peril beyond 72 hours from the time of apprehension. The prosecutor intentionally caused delays to gain a tactical advantage. An assignment of a public defender also cannot be used to cause delays. I have never waive my right to speedy trial. Again nor did I waive my right to represent myself.

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In summary:

- 1) I was not arraigned within 72 hours of the arrest.
- 2) I was not allowed to motion for discovery.
- 3) I was not read any complaint by the judge. (never waved)
- 4) I was not allowed 24 hours to read the complaint.
- 5) I was not allowed to plead guilty if in such case, it was warranted to save time.
- 6) I was not allowed a bail hearing.
- 7) The judge denied me my right to plead and have trial before district judge.
- 8) My speedy trial rights were violated.
- 9) Evidence spoliation has occurred.
- 10) I was not allowed to motion for an evidentiary hearing as my lead witness is 88 years old and naturally slow of memory.

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In any case under the Doggett ruling proof of demonstrable harm to the defense is not a requirement.

For the record record on May 11, 2022. I invoked my federal right to plead before the district judge because Judge Gibson appeared partial by not picking up on the fact, N.R.S.174 was blatantly violated.

Correct me if I'm wrong, but I could not find a pre-trial right that the Henderson justice court and state of Nevada did not violate.

Due to the fact I've had my life, liberty, and property put in peril.... without formal/ lawful charge for 38 days. this court must dismiss the defective complaint with prejudice and release me from jail custody now as in the process

Page 6 of 8

In final the supreme justices have ruled the assertion of rights cannot be made a crime not become punishable Jail torture. An assertion of rights is guaranteed under the first and second amendments. Also under U.S. Code rights "can" be waived in regards to criminal proceedings and do not have to be invoked. That statement is affirmed an article 3 of the US Constitution of the "supremacy clause." Usurpation of U.S. code as a form of state succession. Also "fraud upon the court" is defined as "criminal contempt of court" and "treason." That statement can be affirmed by the 1958 ruling authored by justice Brennan. The Supreme Court also has ruled that pro se defendant is filings and motions can be construed liberally as long as they are

comprehensible. Please take note I do not always have a pencil sharpener.

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In closing the Supreme Justices have held the appearance of justice is not sufficient, but that the defendant in the public must feel they have received justice as an equal rights. Under 42 to U.S.C. 1985 the justices of held any deprivation of rights concurrently becomes a “conspiracy against rights.” 18 U.S.C. 241, which than attaches as “racism”, becomes a conspiracy against rights is by definition “color blind.” This court must also impose sanctions upon the prosecution and public defender for tactical delays which are by definition “criminal contempt of court.” Aside from missed wages, evidence spoliation, no access to my private physician, my legal timesheet is an excess of 50+ hours. This court must dismiss with prejudice. Duty to justice is a slippery slope.

Respectfully,  
Jeremy Oelker

Page 8 of 8

# Exhibit E

May 11<sup>th</sup>, 2022 Judge Gibson denied me all Procedural Due Process rights, as well when I contested not being afforded a Probable Cause affidavit or Sworn Complaint the judge denied me the right to be heard. I also was not allowed a bail hearing.

May 26<sup>th</sup>, 2022 Judge Thomson heard me speak but did not require the prosecution to provide the Covid-19 result in which afforded them the the right to deny me an arraignment passes the States mandatory 72 hour statute. Also I was not afforded a bail hearing. And a preliminary hearing was not held within 15 days from the arraignment as mandated by the States statute.

June 2<sup>nd</sup>, 2022 Judge Gibson did not require the State to respond to my dismissal motion, nor required the state to provide the Covid-19 result which was used to cause me numerous “Unreasonable Dleays.”



1 TRAN

2 CASE NO. C365622

3

4 IN THE JUSTICE'S COURT OF HENDERSON TOWNSHIP

5 COUNTY OF CLARK, STATE OF NEVADA

6

7 STATE OF NEVADA, )

8 Plaintiff, )

9 vs. )

10 ) CASE NO. 22CRH000445

11 JEROMY JOHN OELKER, )

12 Defendant. )

13

REPORTER'S TRANSCRIPT

14

OF

15

INITIAL ARRAIGNMENT

16

BEFORE THE HONORABLE DAVID S. GIBSON, SR.

17

JUSTICE OF THE PEACE

18

WEDNESDAY, MAY 11, 2022

19

APPEARANCES:

20

21 For the State: MELANIE SCHEIBLE  
Deputy District Attorney

22

23 For the Defendant: MICHAEL HYTE  
Deputy Public Defender

24

25 Reported by: Lisa Brenske, CCR #186

1 HENDERSON, NEVADA, MAY 11, 2022

2

3 \* \* \* \* \*

4

10:10AM

5 THE COURT: State versus Jeromy John  
6 Oelker, 22CRH445.

7 Good morning. Did you get a copy of the  
8 Complaint?

9 THE DEFENDANT: I have seen the Complaint  
10 but I have not seen the information for probable cause.

10:10AM

11 THE COURT: For what? I know you probably  
12 won't see it for awhile. You read, write and  
13 understand the English language?

14 THE DEFENDANT: Yes, sir. I studied law.

10:10AM

15 THE COURT: Good. And you understand what  
16 you're charged with?

17 THE DEFENDANT: I'd like to invoke my  
18 right to plead before a district judge.

19 THE COURT: Denied.

10:11AM

20 Do you understand what the charges are?  
21 Have you read them?

22 THE DEFENDANT: I've read this basic  
23 document here.

24 THE COURT: And you read the words that  
10:11AM 25 are on there; is that correct?

10:11AM 1 THE DEFENDANT: Yes.

2 THE COURT: Okay. Good. I'm going to  
3 appoint the public defender's office and we'll set this  
4 within 15 days. I mean, you can make a motion for --  
10:11AM 5 you want to be heard as to bail?

6 THE DEFENDANT: I'd like a motion for a  
7 dismissal, sir.

8 THE COURT: Denied.

9 MR. HYTE: Judge, I attempted to contact  
10:11AM 10 him. He indicated he's hard of hearing and so while  
11 other cases were going on I couldn't speak with him.

12 Sir, do you want me to talk with you again  
13 or do you not want me to talk with you again?

14 THE DEFENDANT: I just want to follow the  
10:11AM 15 constitution, sir.

16 THE COURT: That's all I want too. I'm  
17 going to set it within 15 days.

18 THE DEFENDANT: You're improperly delaying  
19 me, sir.

10:11AM 20 THE COURT: No, I'm not.

21 THE CLERK: May 26<sup>th</sup> at 9:30.

22 THE COURT: Thank you.

23

24 (The proceedings concluded.)

10:11AM 25

10:11AM

1

\* \* \* \* \*

2

3

ATTEST: Full, true and accurate

4

transcript of proceedings.

10:11AM

5

6

/S/Lisa Brenske

7

LISA BRENSKE, CCR No. 186

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1 TRAN

2 CASE NO. C365622-1

3

4 IN THE JUSTICE'S COURT OF HENDERSON TOWNSHIP

5 COUNTY OF CLARK, STATE OF NEVADA

6

7 STATE OF NEVADA, )

8 Plaintiff, )

9 vs. )

10 ) CASE NO. 22CRH000445

11 JEROMY JOHN OELKER, )

12 Defendant. )

13

14 REPORTER'S TRANSCRIPT

15 OF

16 PROCEEDINGS

17 BEFORE THE HONORABLE E. LEE THOMSON, PRO TEM

18 JUSTICE OF THE PEACE

19

20 THURSDAY, MAY 26, 2022

21 APPEARANCES:

22 For the State: NOREEN DEMONTE  
Chief Deputy District Attorney

23 For the Defendant: MICHAEL HYTE  
Deputy Public Defender

24

25 Reported by: Lisa Brenske, CCR #186

1 HENDERSON, NEVADA, MAY 26, 2022

2  
3 \* \* \* \* \*

4  
9:48AM 5 THE COURT: Jeromy Oelker, O-E-L-K-E-R,  
6 22CRH000445.

7 THE DEFENDANT: That's me, sir.

8 MR. HYTE: Your Honor, Michael Hyte,  
9 public defender's office. I'm requesting a Faretta  
9:49AM 10 canvas today for Mr. Oelker. In my three conversations  
11 I've had with him so far he is asking to make arguments  
12 sovereign citizen in nature.

13 THE DEFENDANT: Objection.

14 MR. HYTE: I told him I'm not able to make  
9:49AM 15 that argument for him. He has just made threats about  
16 bar counsel to me and we haven't made any progress. I  
17 believe he wants to represent himself. When I spoke  
18 with him again yesterday about it, Judge, he goes, I  
19 don't want to represent myself but I'm going to do all  
9:49AM 20 the talking and I just need you to get me the research  
21 I need. I explained to him that's not how this works.  
22 If I'm on the case as a lawyer, I'm the lawyer, not  
23 him. So I request a Faretta canvas.

24 THE COURT: All right. We'll trail the  
9:49AM 25 matter.

9:49AM 1 THE DEFENDANT: Your Honor, I have been  
2 held for 31 days without a charge. I would like to  
3 give an oral dismissal motion and make an objection to  
4 what he just said.

9:50AM 5 THE COURT: Well, I'm going to recall the  
6 case in awhile after I handle some other matters and  
7 I'll talk to you about that.

8 THE DEFENDANT: Thank you, sir. Can I  
9 have your name, please.

9:50AM 10 THE COURT: Can you have my name?

11 THE DEFENDANT: I don't see a placard  
12 there.

13 THE COURT: It was announced when I came  
14 in.

9:50AM 15 THE DEFENDANT: I was not here during  
16 that.

17 THE COURT: My name is Lee Thomson.

18 THE DEFENDANT: Lee Thomson. Thank you,  
19 sir.

9:50AM 20 (Other matters heard.)

21 THE COURT: Jeromy John Oelker aka Jeromy  
22 Elker, 22CRH00445.

23 Counsel, you represented to me earlier  
24 that the status was the defendant did not wish to

10:42AM 25 represent himself but he wished to conduct all the

10:42AM 1 speaking on the case.

2 MR. HYTE: That's correct. And I told him  
3 that I would not do that. The arguments he made me to  
4 make I don't believe have a basis and factor in law and  
10:42AM 5 so my request is that the Court conduct a Faretta  
6 canvas today.

7 THE COURT: Well, if he wants counsel, we  
8 have to get through that.

9 Is it Oelker or Elker?

10:42AM 10 THE DEFENDANT: However you prefer, sir.  
11 It's an encrypted name so we use both definitions.

12 THE COURT: I generally go with the one  
13 that you prefer, sir.

14 THE DEFENDANT: I don't have one. It's  
10:42AM 15 just an adopted name.

16 THE COURT: Okay. Mr. Oelker, do you wish  
17 to be represented by an attorney?

18 THE DEFENDANT: May I make an objection?

19 THE COURT: No, you may not. You need to  
10:42AM 20 answer my question.

21 THE DEFENDANT: I asked him to print out  
22 three laws for today's hearing. There are Nevada  
23 statutes; one for an arraignment hearing, one for  
24 probable cause hearing and one for NRS 174.

10:43AM 25 THE COURT: Stop. We are not going to get



10:43AM 1 anywhere unless we move in an orderly manner. Would  
2 you answer my question. Do you wish to be represented  
3 by an attorney?

4 THE DEFENDANT: If he's willing to sign an  
10:43AM 5 attorney/client agreement, I would hold him  
6 accountable for his oath of office and his ethical  
7 canons. Is he willing to accept that agreement? I'm  
8 doing this by the book, sir.

9 THE COURT: No, you're not doing it by the  
10:43AM 10 book.

11 THE DEFENDANT: He has an obligation to  
12 his office. He told me on the phone that the previous  
13 Judge, Mr. Gibson, said that he does not have to  
14 uphold -- if you allow me to read it because I wrote it  
10:43AM 15 perfectly on here -- he does not have to uphold his  
16 ethical canons and that he is not obligated to the  
17 axiom of vigorous representation.

18 THE COURT: Stop. That is not anything  
19 that Judge Gibson ever would have written or said.

10:44AM 20 THE DEFENDANT: I was not allowed to be  
21 there, sir. They had an improper ex parte and they  
22 never even asked me if I wanted a public defender.  
23 That's on May 11<sup>th</sup> transcript, which we have here in  
24 the court I do believe. Sorry to interrupt you, sir.

10:44AM 25 THE COURT: Don't interrupt me anymore.

10:44AM 1 THE DEFENDANT: I apologize. Again, my  
2 rights are being violated. They're violating my speedy  
3 trial rights. They're violating NRS 174. I'm  
4 protected by the federal law just the same as the State  
10:44AM 5 and --

6 THE COURT: You're interrupting me now.

7 THE DEFENDANT: Okay.

8 THE COURT: What we have is an indication  
9 he still wishes to be represented by counsel. If you  
10:44AM 10 want to represent yourself, you can file a motion to  
11 represent yourself and a Faretta hearing will be held  
12 at that time.

13 MR. HYTE: Your Honor, the issue, if I may  
14 briefly, is that the arguments he's asking me to make  
10:45AM 15 as a sovereign citizen are not arguments that I can  
16 ethically make.

17 THE DEFENDANT: I never asked --

18 MR. HYTE: So I can't --

19 THE COURT: Stop. Stop.

10:45AM 20 MR. HYTE: Your Honor, I cannot ethically  
21 present an argument or a defense that I believe has no  
22 basis and factor in law such as sovereign citizen  
23 arguments. So that's where I have been. And I can't  
24 make the arguments he wants me to make at which time he  
10:45AM 25 informed me, well, you're not going to make any

10:45AM 1 arguments, I'm going to do the talking. You just need  
2 to get me the research and I told him this is not how  
3 this is going to operate.

4 THE DEFENDANT: It's a lie, sir. I'm  
10:45AM 5 strict by the book. I'm a Navy veteran.

6 THE COURT: Just a moment. I haven't  
7 asked you for any talking yet, okay? Now, we are going  
8 to deal with just what he's saying. He's saying that  
9 he's had conversations with you and that based on his  
10:45AM 10 understanding of the law as a trained professional --

11 THE DEFENDANT: I'm also a trained  
12 professional, sir. I go to law school.

13 THE COURT: You do go to law school?

14 THE DEFENDANT: I was going to take my bar  
10:46AM 15 exam next month.

16 THE COURT: What law school?

17 THE DEFENDANT: Cornell University out of  
18 Massachusetts online.

19 THE COURT: Cornell University of  
10:46AM 20 Massachusetts.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And what bar exam are you  
23 taking?

24 THE DEFENDANT: I haven't decided yet.  
10:46AM 25 But I'm mostly majoring in mining law and criminal. To

10:46AM 1 include majoring in civil rights.

2 And I also have a hearing condition. This  
3 ear's completely deaf and this one still hasn't had  
4 medical attention. If you allow me to read my

10:46AM 5 objection, I think it's very clear what I asked of him.  
6 What he is saying is not verbatim and if we have to  
7 subpoena those phone calls over at the jail, I'd be  
8 more than willing to do so. May I be heard under my  
9 First Amendment right, sir?

10:46AM 10 THE COURT: You know, once again you're  
11 interrupting me. I'm trying to conduct this hearing as  
12 hearings are supposed to be conducted. I'm running  
13 this, not you.

14 Now, your attorney has represented that he

10:47AM 15 has informed you --

16 THE DEFENDANT: I don't have an attorney.

17 THE COURT: Stop it. I'm talking. I'm  
18 running this hearing. You are not. Do you understand  
19 that?

10:47AM 20 THE DEFENDANT: I understand you're to  
21 administer justice.

22 THE COURT: My job is to conduct this  
23 hearing and it does not involve you blurting out  
24 anything you want to say at any time.

10:47AM 25 THE DEFENDANT: I just want the record to



10:47AM 1 be truthful.

2 THE COURT: And I want the record to be  
3 truthful too. And I am giving you a specific question  
4 about what he's just represented. I have not finished  
10:47AM 5 my question to you yet so you need to listen and answer  
6 my questions.

7 THE DEFENDANT: May I please have a  
8 pencil --

9 THE COURT: No, you may not.

10:47AM 10 THE DEFENDANT: -- so I can take notes?  
11 I'm not even allowed to have a pencil, stationery or  
12 anything and you guys want me to keep up with you. May  
13 I please have a pencil, officer? I'm not a threat to  
14 the society or anybody. I'm a person with a public  
10:48AM 15 oath of office. A short pencil. A broken pencil.  
16 Anything sharpened. A pen would be okay, but I prefer  
17 a pencil so I can erase.

18 THE COURT: Okay. When I said no, you may  
19 not, it was not in reference to letting you have a pen  
10:48AM 20 to write which I'm letting you do. It's no, you may  
21 not continue to interrupt me.

22 Now, your attorney has represented that he  
23 has told you in his professional opinion the things you  
24 wish to have argued are not legal arguments that he can  
10:48AM 25 present to the Court. Is that what he told you?

10:48AM 1 THE DEFENDANT: No.

2 THE COURT: What did he tell you?

3 THE DEFENDANT: He told me that I have no  
4 Fourteenth Amendment rights and this Court operates on

10:48AM 5 local practice and deviates from federal statute in  
6 violation of Article 3 under the supremacy clause. The  
7 state of Nevada is not allowed to abrogate or abridge  
8 any federal statutes and he said that's what he does.

9 And we know what abrogate and abridge means. It means

10:49AM 10 to make less of my constitutional rights, not more  
11 which means we know that federal laws --

12 THE COURT: You are going way beyond  
13 answering my question.

14 THE DEFENDANT: That's what I'm saying.

10:49AM 15 He's totally manipulating it to give the prosecution,  
16 who should be here, a tactical delay which we all know  
17 leads to nothing more than a wrongful conviction.

18 THE COURT: All right. That's enough.  
19 You're not answering the question any further.

10:49AM 20 THE DEFENDANT: He lied. That's the  
21 answer.

22 MR. HYTE: And, your Honor, I'm in a  
23 position now where he's making accusations against me  
24 that are not true.

10:49AM 25 THE DEFENDANT: We have transcripts.

10:49AM 1 MS. DEMONTE: And the State is here.

2 THE DEFENDANT: May I have the State's  
3 name, please?

4 MS. DEMONTE: No, you may not.

10:49AM 5 The State actually has concerns about  
6 whether or not he's competent to proceed based on some  
7 of the things he's been saying. I've been taking notes  
8 how he goes to law school and hasn't decided what bar  
9 he's taking but is taking one next month and --

10:50AM 10 THE DEFENDANT: No. I said --

11 MS. DEMONTE: -- about how he is a public  
12 officer of some type.

13 THE DEFENDANT: Yes. Navy veteran. I did  
14 swear an oath to the U.S. Constitution just like I  
10:50AM 15 think most of us. I know the attorney and the officers  
16 probably did, and I know for sure you did, sir.

17 THE COURT: Based on the allegations  
18 against you I assume you've got a motion to withdraw as  
19 counsel, sir?

10:50AM 20 MR. HYTE: I did not before today. I will  
21 make one now, though, Judge. I ask to move to  
22 withdraw.

23 THE COURT: That'll be granted.

24 MR. HYTE: Thank you, Judge.

10:50AM 25 THE DEFENDANT: I have a motion for a

10:50AM 1 dismissal. It's completely within the law. Nothing  
2 wild. It's all straight out of the book. Actually --  
3 THE COURT: Just a moment. If you have a  
4 motion, you file it in the court.

10:50AM 5 THE DEFENDANT: They wouldn't let me. I  
6 did that May 11<sup>th</sup> and Judge Gibson denied me all my  
7 Fourteenth Amendment rights on record.

8 THE COURT: Once again --

9 THE DEFENDANT: They don't allow us access  
10:50AM 10 to the --

11 THE COURT: This is entirely unbelievable.

12 THE DEFENDANT: You can check the records.

13 I kite the legal department in the jail at CCDC Las  
14 Vegas and they kite back false information. You can  
10:51AM 15 subpoena those kites.

16 THE COURT: If you wish to make a motion,  
17 file it.

18 THE DEFENDANT: How? I'm here. I tried  
19 to do that May 11<sup>th</sup>. I've been held against my due

10:51AM 20 process rights. This Court must release me. And I  
21 have legal standing to present this to you, sir, and  
22 there's nothing about competence. I know escalations  
23 of force and all the stuff these officers are trained.  
24 And I also know how to be a judge, and I would gladly

10:51AM 25 do so if my country needs me. Being a judge is no



10:51AM 1 harder than taking a driver's license exam, and I'm a  
2 DOT safety certified truck driver with a perfect  
3 driving record.

4 MS. DEMONTE: For the record he was  
10:51AM 5 arrested on April 25<sup>th</sup>.

6 THE DEFENDANT: Good.

7 MS. DEMONTE: He was on probable cause.  
8 We attempted to bring him before the magistrate at the  
9 next available date, which would have been the 28<sup>th</sup>,

10:52AM 10 but he refused transport.

11 THE DEFENDANT: A lie.

12 MS. DEMONTE: We passed it --

13 THE DEFENDANT: I was in custody on  
14 surveillance.

10:52AM 15 MS. DEMONTE: My turn, sir.

16 THE COURT: You stop now.

17 THE DEFENDANT: That's a huge lie.

18 THE COURT: You stop now.

19 THE OFFICER: You are the only one that's  
10:52AM 20 interrupting anyone.

21 THE DEFENDANT: But I'm the only one whose  
22 life's in peril.

23 THE COURT: You know, I've giving you  
24 opportunities to talk and you continue to interrupt.

10:52AM 25 That is not how this is going to happen and it's not

10:52AM 1 going to happen anymore.

2 THE DEFENDANT: Would you promise me that  
3 I'm allowed to respond?

4 THE COURT: You will sit down and be quiet  
10:52AM 5 until she is through.

6 MS. DEMONTE: On May 2nd our notes  
7 indicate that he was COVID positive so he wasn't  
8 brought to court because of the COVID situation. Then  
9 on May 11<sup>th</sup> he was here and we gave him the

10 preliminary hearing date of today. When I spoke to Mr.  
11 Hyte last night about this case, he indicated to me  
12 that the defendant did not wish to have a preliminary  
13 hearing because he wanted to have this type of hearing  
14 instead so I did not bring in witnesses today because

10:53AM 15 the defendant did not want his preliminary hearing  
16 today, he wants to have this type of hearing. And now  
17 with the public defender withdrawing there would be no  
18 attorney to represent him today anyway.

19 THE DEFENDANT: And I don't need one.

10:53AM 20 MS. DEMONTE: We'll need to appoint  
21 counsel and set a new hearing date.

22 THE DEFENDANT: I object.

23 THE COURT: Just a moment.

24 THE DEFENDANT: That's a tactical delay.

10:53AM 25 THE COURT: Just a moment. Are you now

10:53AM 1 saying you don't want an attorney?

2 THE DEFENDANT: I will not be forfeiting  
3 my rights to be heard by the Court today. No way in  
4 heck. I would like to be heard.

10:53AM 5 THE COURT: Did I ask you that? I asked  
6 you if you continued to wish to have an attorney  
7 represent you or are you going to represent yourself?

8 THE DEFENDANT: Based on the suppression  
9 that we receive as inmates as CCDC Las Vegas, we do not  
10 have access to law libraries. If I am not allowed or  
11 they don't want to have a public defender that follows  
12 their ethical canons and helps me do basic research on  
13 my Fourteenth Amendment rights and the procedural  
14 statuses of these cases, then I would love to be  
10:54AM 15 remanded to federal custody where I can actually have  
16 access to law books. So I'd like to respond to her  
17 information, sir.

18 THE COURT: And I'll give you that  
19 opportunity in a moment.

10:54AM 20 THE DEFENDANT: Thank you.

21 THE COURT: But in the meantime just be  
22 quiet.

23 THE DEFENDANT: Okay.

24 MS. DEMONTE: I just texted Mr. Brower to  
10:54AM 25 see if he can come back.

10:54AM 1 THE DEFENDANT: Because he's not impartial  
2 and he's appearing bias, I would not want to work with  
3 Mr. Hyte if that's who you're suggesting.

4 THE COURT: Mr. Hyte has already been  
10:54AM 5 allowed to withdraw from this case based on the  
6 allegations.

7 THE DEFENDANT: And what was his legal  
8 standing for withdrawing? He has to have a right to  
9 withdraw. He can't just walk out on me and cause  
10:55AM 10 delays.

11 THE COURT: He's had allegations against  
12 him for ethical and other things like that. So that  
13 causes a conflict.

14 THE DEFENDANT: I hadn't said he broke any  
10:55AM 15 rules yet. I said he was on a slippery slope.

16 THE COURT: The record speaks for itself.  
17 I granted his motion to withdraw. We are now at the  
18 point of trying to find another attorney to appoint on  
19 your behalf.

10:55AM 20 THE DEFENDANT: I don't need one. I'd  
21 like to go forward today on my dismissal motion as I  
22 told him May 11<sup>th</sup>.

23 THE COURT: Okay. That isn't the way  
24 court works. If you have a motion to file, it would be  
10:55AM 25 filed with the court, the State has the opportunity to



10:55AM 1 file a written response. You have the opportunity to  
2 file a written reply and then the Court holds a hearing  
3 on that.

4 THE DEFENDANT: They are not allowing me  
10:55AM 5 that.

6 THE COURT: If you want to file the  
7 motion, file the motion.

8 THE DEFENDANT: I don't have any paperwork  
9 to file one. I'm doing this on memory.

10:56AM 10 THE COURT: Well, that isn't the way  
11 motions are handled.

12 THE DEFENDANT: I know. And I'm saying my  
13 rights are being deprived (sic) against. I was not  
14 allowed to go to court April 28<sup>th</sup>, sir. I was in a  
10:56AM 15 medical observation cell because I was hospitalized due  
16 to excessive force. I was under camera. And they did  
17 not ask me to go to court. And that violates my speedy  
18 trial rights right there and then. I was not allowed a  
19 motion for discovery. I was not allowed a motion for  
10:56AM 20 an evidentiary hearing.

21 THE COURT: Stop.

22 THE DEFENDANT: So my witness who is 88  
23 years old could be brought forth.

24 THE COURT: Stop now. You've made these  
10:56AM 25 allegations again and again. If you want to bring them

10:56AM 1 before the Court, you put it in writing, you file it  
2 with the court.

3 THE DEFENDANT: And I'll need forms. And  
4 how am I going to access the clerk?

10:56AM 5 THE COURT: We're in the process of  
6 appointing an attorney for you, sir.

7 THE DEFENDANT: I don't need an attorney.  
8 I'm an adult.

9 THE COURT: You just said you can't take  
10:56AM 10 care of yourself on legal matters.

11 THE DEFENDANT: I said that you might need  
12 to investigate CCDC's policies because they're  
13 suppressing the inmates and holding them without  
14 charges.

10:56AM 15 MS. DEMONTE: He's been charged.

16 THE COURT: He's been charged.

17 THE DEFENDANT: We can review the May  
18 11<sup>th</sup> thing. He did not follow the arraignment  
19 proceeding requirements.

10:57AM 20 THE COURT: And there are means of doing  
21 that to legally challenge it. For you to stand up and  
22 do it is not the way it's done.

23 THE DEFENDANT: Why? What are we afraid  
24 of? I'm going to do it by the law.

10:57AM 25 THE COURT: There is nothing to be afraid

10:57AM 1 of. You are not doing it by the law and I'm not going  
2 to listen to this again. You've said it again and  
3 again.

4 THE DEFENDANT: My speedy trial rights are  
10:57AM 5 violated. You cannot hold me against the constitution.

6 THE COURT: It's on the record. We've  
7 heard.

8 THE DEFENDANT: No, you haven't because  
9 that's not justifiable. Anybody can claim their speedy  
10:57AM 10 trial rights are violated. I have legal standing.

11 It's just another delay. My property and witnesses --  
12 what about evidence spoliation? That's the main  
13 problem here.

14 THE COURT: You've already said these  
10:58AM 15 things. You are on the record, sir. All of this is on  
16 the record.

17 THE DEFENDANT: I have video surveillance  
18 to prove that what she's doing is actually working for  
19 the drug cartels.

10:58AM 20 MS. DEMONTE: I'm going to once again  
21 raise my concern about competency.

22 THE DEFENDANT: I have evidence, sir. I  
23 have a witness, an 88-year-old marine, Joan Sullivan of  
24 136 Elm Street. She witnessed fraud.

10:58AM 25 THE OFFICER: You're going to have to

10:58AM 1 lower your voice. Can you do that?

2 THE DEFENDANT: I do have a hearing  
3 problem. Joan Sullivan witnessed fraud. We need to  
4 get her here immediately and upon that --

10:58AM 5 THE COURT: And that is not how courts  
6 work.

7 THE DEFENDANT: They have to work with  
8 expedience because my life, liberty and property are in  
9 peril.

10:58AM 10 THE COURT: You need to have a seat and be  
11 quiet.

12 MS. DEMONTE: Keith says he's in the  
13 waiting room.

14 THE OFFICER: You can you hear the judge,  
10:59AM 15 right?

16 THE DEFENDANT: I'm trying to lip read. I  
17 have complained six times for hearing help and they  
18 just aren't helping us.

19 THE OFFICER: You're not yelling at me  
10:59AM 20 right now. Can you keep it at about that volume,  
21 please?

22 THE DEFENDANT: Yes.

23 THE COURT: Mr. Brower.

24 THE DEFENDANT: This will only take 10

10:59AM 25 minutes to rule on the dismissal motion. You don't



10:59AM 1 have to rule on it today. Just go back and check the  
2 transcripts. At least we're moving forward in my case.  
3 Because you can't move forward at a preliminary if  
4 we've violated all my Fourteenth Amendment rights.

10:59AM 5 THE COURT: You need to stop. You've said  
6 this again and again. It's on the record. If you have  
7 any other motions to file, they can be filed. You can  
8 copy --

9 THE DEFENDANT: I have motions and  
11:00AM 10 subpoenas, but if we don't do the dismissal motion, I'm  
11 wasting legal expenses. The dismissal motion will save  
12 me money, sir.

13 THE COURT: Mr. Brower, you need to unmute  
14 yourself.

11:00AM 15 MR. BROWER: Just in, Judge.

16 THE COURT: Mr. Brower, this is the case  
17 of 22CRH000445, Jeromy John Oelker, O-E-L-K-E-R, aka  
18 Jeromy Elker, E-L-K-E-R.

19 I have allowed the public defender's  
11:00AM 20 office to withdraw and I would like to appoint you to  
21 this case if possible. Mr. Brower, you will need to  
22 review the transcript of this hearing this morning and  
23 also consult with the defendant. I think the  
24 representations here may require the consideration of a  
11:01AM 25 competency hearing and there are also a number of

11:01AM 1 motions which he wishes to bring before the Court and  
2 you can discuss with him the legality of the things  
3 that he wishes to do. Will you accept that  
4 appointment?

11:01AM 5 MR. BROWER: Sorry, Judge. When will the  
6 preliminary hearing be reset to?

7 THE COURT: As soon as possible.

8 THE DEFENDANT: No, because I need the  
9 dismissal motion hearing first and I need the motion  
11:01AM 10 for an evidentiary hearing for my lead witness who is  
11 88 and has slow memory.

12 THE COURT: Okay. Mr. Oelker is  
13 representing that he has a number of preliminary  
14 motions he wants to file before a preliminary hearing  
11:01AM 15 date is set. So perhaps we can do a status check next  
16 week.

17 MR. BROWER: Judge, my only concern is if  
18 he does have a preliminary hearing in the next three  
19 weeks, it would have to go to Lance because I'm going  
11:01AM 20 to be out of the jurisdiction from June 3<sup>rd</sup> to  
21 June 20<sup>th</sup>. So the only time I would be able to meet  
22 with the client would be next week and I would not be  
23 able to file any motions on his behalf or do any  
24 preliminary hearings between June 3<sup>rd</sup> and  
11:02AM 25 June 20<sup>th</sup>. I know Lance did send an email to the

11:02AM 1 Court saying he was going to be gone the first week of  
2 June but that he would be available to take  
3 appointments for that second week but that I would  
4 still be out of the jurisdiction.

11:02AM 5 THE COURT: Thank you, Mr. Brower. We  
6 will contact other counsel.

7 THE DEFENDANT: I do not need counsel,  
8 sir. I'm very competent and very sharp about the due  
9 process rights. We need to address those first because  
11:02AM 10 the federal law says you can't go forward without  
11 subject matter jurisdiction. And they don't have that  
12 because they're using local practice to violate NRS  
13 174, and they're saying that I had a COVID-19 test, yet  
14 nobody will show me any lab results, and I've requested  
11:02AM 15 a lab result numerous times to CCDC, sir.

16 MS. DEMONTE: Why don't we put it on  
17 calendar next week status check.

18 THE COURT: All right. That's what we are  
19 going to do. We'll put it on for --

11:03AM 20 THE DEFENDANT: Just ignoring my rights,  
21 sir.

22 THE COURT: No. What I'm trying to do is  
23 get this done in a legal manner and --

24 THE DEFENDANT: Nevada Revised Statutes  
11:03AM 25 says I have a right to represent myself.

11:03AM 1 THE CLERK: June 2<sup>nd</sup>.

2 THE DEFENDANT: I also have the right to  
3 make a motion for a district judge which is what I'd  
4 like and I actually motioned for that on the 11<sup>th</sup>.

11:03AM 5 THE COURT: You had a motion for that on  
6 the 11<sup>th</sup>?

7 THE DEFENDANT: I invoked my right to be  
8 heard and have a trial before a district judge.

9 THE COURT: And that's where your trial  
11:03AM 10 would be. This Court handles the preliminary matters  
11 including a preliminary hearing. It does not handle  
12 trials.

13 THE DEFENDANT: Mr. Gibson said denied  
14 when I stated that on the record.

11:03AM 15 THE COURT: All right. So it's on the  
16 record that a trial here is denied, but the things that  
17 you're saying make no sense.

18 THE DEFENDANT: They're on the record.

19 THE COURT: I'm sure they are.

11:03AM 20 THE DEFENDANT: And a dismissal motion  
21 doesn't make any sense for timeliness requirements?

22 THE COURT: I've explained to you that if  
23 you want to make a motion like that before the Court,  
24 submit it in writing.

11:04AM 25 THE DEFENDANT: I did --



11:04AM 1 THE COURT: You have said that you didn't.

2 THE DEFENDANT: May 11<sup>th</sup>. Check the  
3 record. He denied me.

4 THE COURT: Okay. Then it's already been  
11:04AM 5 denied.

6 THE DEFENDANT: He didn't let me make the  
7 motion. He denied me the right to present it.

8 THE COURT: This matter is continued until  
9 next week for a status check for confirmation of new  
11:04AM 10 counsel.

11 THE CLERK: June 2<sup>nd</sup>, 9:00 a.m.

12 THE DEFENDANT: I declare fraud upon the  
13 Court. And prosecutorial misconduct.

14

11:04AM 15 (The proceedings concluded.)

16

17 \* \* \* \* \*

18

19 ATTEST: Full, true and accurate

11:04AM 20 transcript of proceedings.

21

22 /S/Lisa Brenske

23 LISA BRENSKE, CSR No. 186

24

25

1 TRAN

2 CASE NO. C365622-1

3

4 IN THE JUSTICE'S COURT OF HENDERSON TOWNSHIP

5 COUNTY OF CLARK, STATE OF NEVADA

6

7 STATE OF NEVADA, )

8 Plaintiff, )

9 vs. )

10 ) CASE NO. 22CRH000445

11 JEROMY JOHN OELKER, )

12 Defendant. )

13

14 REPORTER'S TRANSCRIPT

15 OF

16 CONDITIONAL WAIVER OF PRELIMINARY HEARING

17 BEFORE THE HONORABLE DAVID S. GIBSON, SR.

18 JUSTICE OF THE PEACE

19

20 THURSDAY, JUNE 2, 2022

21 APPEARANCES:

22

23 For the State: JAY P. RAMAN  
24 Chief Deputy District Attorney

25

Reported by: Lisa Brenske, CCR #186

1 HENDERSON, NEVADA, JUNE 2, 2022

2

3 \* \* \* \* \*

4

5 THE COURT: State versus Jeromy John  
6 Oelker, 22CRH445. Good morning.

7 MR. GRUBER: Thank you, Judge. I didn't  
8 realize this was going to be one of mine.

9 THE COURT: I am appointing you.

10 THE DEFENDANT: I never waived my right to  
11 represent myself, Judge. I'm fully competent and a law  
12 student and truck driver with a perfect safety record.

13 THE COURT: And do you want to file a  
14 Faretta motion?

15 THE DEFENDANT: No. I don't need to file  
16 anything. I need to be allowed to file a motion for  
17 dismissal. They violated NRS 174 which concurrently  
18 violates my speedy trial rights under the Doggett  
19 ruling that is unethical territory. They cannot  
20 traverse. Must be dismissed with prejudice.

21 THE COURT: Well, I don't have your  
22 motion. I need to see your motion.

23 THE DEFENDANT: May I also have a copy  
24 back since they don't let us get copies? This is the  
25 motion.

1 THE COURT: Let's get a copy made of that.

2 THE DEFENDANT: From my understanding  
3 these public defenders do not want to address fraud  
4 upon the Court or prosecutorial misconduct and I will  
5 hold them liable for their ethical oath of office under  
6 the canons at the Bar Association. And I do have a lot  
7 of experience at those Bar hearings. So I don't think  
8 he is going to want to represent me if we have fraud.

9 THE COURT: Well, I need to see your  
10 motion.

11 THE DEFENDANT: All the evidence, the  
12 preponderance is all within records and Doggett.

13 THE COURT: Just a minute. I need to see  
14 your motion and once I read your motion, then I will be  
15 able to answer you.

16 THE DEFENDANT: May I request a copy of  
17 the docket?

18 THE COURT: Of the what?

19 THE DEFENDANT: The docket. The court  
20 docket that shows all the hearing dates and the  
21 hearings that took place.

22 THE COURT: Sure.

23 THE DEFENDANT: What I need from the  
24 public defender is just copies of the basic due process  
25 rights which Mr. Hyte refused to do.



1 THE COURT: The due process rights?

2 THE DEFENDANT: Yes.

3 THE COURT: Go to the library and get  
4 them.

5 THE DEFENDANT: They don't allow us.

6 THE COURT: They have a library.

7 THE DEFENDANT: Then I would like you to  
8 give me an order if you don't dismiss that I have  
9 access to the law library.

10 THE COURT: Okay, boss. Just a minute. I  
11 don't control what the jail does. I know they have a  
12 library. You want to represent yourself and I decide  
13 that you can do that, then they'll have to give you  
14 some kind of access to the library.

15 THE DEFENDANT: I think you have to order  
16 it because they're not doing it on their policy.

17 THE COURT: If I order it, then they'll  
18 have to do something with the order.

19 THE DEFENDANT: I would love to be  
20 remanded to Federal custody.

21 THE COURT: I don't even have that  
22 authority so I can't do that.

23 THE DEFENDANT: It's going to get -- they  
24 already voted a mistrial so we are going to just waste  
25 the district judge's time. They violated every single

1 due process right that's owed to me which then  
2 concurrently violates my speedy trial rights, sir.

3 THE COURT: How do you know that if you  
4 haven't seen them yet?

5 THE DEFENDANT: Because I know that I  
6 never broke any laws first of all. And I also know all  
7 the timing requirements which is all pivoted on NRS  
8 174.

9 THE COURT: As soon as I get it read, then  
10 we'll talk. Have a seat.

11 (Other matters heard.)

12 THE COURT: Recalling Jeromy Oelker,  
13 22CRH445.

14 I'm in receipt of Mr. Oelker's motion. I  
15 need to make sure the State gets a copy of that. Did  
16 you get a copy?

17 MR. RAMAN: I don't believe so, your  
18 Honor.

19 THE CLERK: We made a copy.

20 MR. RAMAN: Thank you.

21 THE COURT: I've got to go through this  
22 first of all, but, Mr. Oelker, I'm denying your motion  
23 to dismiss and I'll tell you why. I'll go through your  
24 conclusions at the end. And we'll go through them.  
25 You indicated that you were not arraigned within 72

1 hours of the arrest. That was your refusal.

2 THE DEFENDANT: Sir, that never took  
3 place.

4 THE COURT: Now, this is what I need you  
5 to do.

6 THE DEFENDANT: That's fraud.

7 THE COURT: Listen to me. You are going  
8 to get a chance to talk, but I'm talking first and  
9 while I talk, do not interrupt me. Make mental notes  
10 or whatever you do.

11 THE DEFENDANT: Could I have a clipboard  
12 and a pen, please?

13 THE COURT: No, you can't. I can't give  
14 you that. You're in custody.

15 THE DEFENDANT: Well, he has it. They did  
16 last time. May I please have a clipboard and pen?

17 THE COURT: No, you can't. Just be quiet.

18 THE DEFENDANT: How am I going to take  
19 notes?

20 THE COURT: Then don't take notes. Number  
21 one, you were not arraigned within 72 hours because you  
22 refused. And that's my finding.

23 You were not allowed a motion for  
24 discovery. Discovery was granted and the public  
25 defender was given your discovery.

1                   You were not read any competency by the  
2 judge at your appearance. You were appointed an  
3 attorney and the reading of the Complaint was waived  
4 and that's on the record.

5                   THE DEFENDANT: I never waived that.

6                   THE COURT: "I was not allowed 24 hours to  
7 read the Complaint." You don't get 24 hours to read  
8 the Complaint.

9                   THE DEFENDANT: That's under Federal law,  
10 sir.

11                  THE COURT: Just be quiet and quit  
12 interrupting me. Come on. If you want to represent  
13 yourself, I want you to understand one thing right now,  
14 okay? You are going to have to obey the rules in the  
15 courtroom whether you like them or not.

16                  THE DEFENDANT: Then you have to obey  
17 Federal law and I can sue you in Federal Court. I will  
18 see you in Federal Court, sir.

19                  THE COURT: Okay. I'll see you there.  
20 His motion --

21                  THE DEFENDANT: This is treason.

22                  THE COURT: Okay. His motion is denied.  
23 I'm ordering that he be psyched. So waive him up for a  
24 psychiatric evaluation on this motion.

25                  MR. GRUBER: Safe to say that I'm not



1 appointed?

2 THE COURT: I am going to appoint you.  
3 Either you'll be representing him or you'll be sitting  
4 there while he does what he does.

5 MR. GRUBER: This is the thing, and I will  
6 put this on the record now. I'm not filing motions  
7 that I believe are frivolous which are going to file  
8 Bar complaints.

9 THE COURT: I just read this.

10 MR. GRUBER: So that puts me in a  
11 situation where I'm not going to be able to talk to the  
12 man.

13 THE COURT: I get it. I've been there.  
14 It's just never fun to fly on the desk with somebody  
15 else's feeling the way he feels.

16 MR. GRUBER: I'll sit next to him while he  
17 does his thing. I don't care about that. But it's  
18 also one of those things --

19 THE COURT: Right now I want him psyched.  
20 This is on my motion and we'll worry about appointing  
21 once he gets back.

22 MR. GRUBER: So I'm not going to worry  
23 right now. You'll let me know.

24 THE COURT: Yes.

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(The proceedings concluded.)

\* \* \* \* \*

ATTEST: Full, true and accurate  
transcript of proceedings.

/S/Lisa Brenske

LISA BRENSKE, CSR No. 186

# Exhibit F-1

The Henderson Justice Case Summary/ Docket reveals many procedural due process violations. Originally I was scheduled to be arraigned April 28th, 2022 but the District Attorney C. Pandelis lied to Judge S. L. George by stating I “Refused” transportation. I was in a cell in the connected jail and was never informed I had court. First Unreasonable Delay, First Appearance of Partiality. Said fraud set a myriad of timing requirement violations. Most importantly they never held a Preliminary Hearing in violation of N.R.S. 171.196 Preliminary examination; 2. If the defendant does not waive examination, the magistrate shall hear the evidence within 15 days. Judge Gibson never held the Preliminary on May 26th, 2022. Instead the Appointed Counsel withdrew, giving the District Attorney a tactical advantage. I never waived my right to Self Representation, but needed assistance with printing the Criminal Rules of Procedure and the alleged law violations so I could ascertain the elements of the Unsigned Complaint and clarify which procedures were being violated that I may have missed on May 11th 2022.

# 22CRH000445-0000 STATE OF NEVADA VS OELKER, JEROMY JOHN CLOSED

- Case Type:
- CRIMINAL COMPLAINT HND
- Case Status:
- CLOSED
- File Date:
- 04/26/2022
- DCM Track:
- 
- Action:
- RESIST PUBLIC OFFICER
- Status Date:
- 12/19/2022
- Case Judge:
- GIBSON, SR, DAVID S
- Next Event:
- 

[All Information](#) [Party](#) [Charge](#) [Ticket/Citation #](#) [Event](#) [Docket](#) [Linked Case](#) [Disposition](#)

## Party Information

**OELKER, JEROMY JOHN**  
- DEFENDANT CR/TR

- Disposition
- CLOSED
- Disp Date
- 
- Scope ID Number
- 8640106

### Alias

AKA ELKER, JEREMY

### Party Attorney

- Attorney
- GRUBER, HARVEY
- Bar Code
- 006329
- Address
- Phone
- 

[More Party Information](#)

[Pending Cases](#)

## Party Charge Information

**OELKER, JEROMY JOHN**  
- DEFENDANT CR/TR

Charge # 1:

**50201 - FELONY** ASSAULT, W/USE OF DEADLY WEAPON

- Original Charge
- 50201 ASSAULT, W/USE OF DEADLY WEAPON (FELONY)
- Indicted Charge
- 
- Amended Charge
- 
- DV Related?
- 
- Modifiers
- 
- Stage Date
- 
- PCN
- NVHP5211750C
- PCN Sequence
- 001

- Ticket #
- 
- ATN #
- 
- Tracking #
- 
- Place of Offense
- HENDERSON TOWNSHIP
- Offense Location
- 
- Date of Offense
- 04/25/2022
- Complainant
- 

### Party Charge Disposition

Disposition Date

Disposition

06/05/2022

WAIVER OF PRELIMINARY HEARING



[Sentencing Information](#)• **OELKER, JEROMY JOHN**

• - DEFENDANT CR/TR

Charge # 2:

**50201 - FELONY** ASSAULT, W/USE OF DEADLY WEAPON

- Original Charge
- 50201 ASSAULT, W/USE OF DEADLY WEAPON (FELONY)
- Indicted Charge
- Amended Charge
- DV Related?
- Modifiers
- Stage Date
- PCN
- NVHP5211750C
- PCN Sequence
- 002

- Ticket #
- ATN #
- Tracking #
- Place of Offense
- HENDERSON TOWNSHIP
- Offense Location
- Date of Offense
- 04/25/2022
- Complainant

**Party Charge Disposition**

Disposition Date

Disposition

06/05/2022

WAIVER OF PRELIMINARY HEARING

[Sentencing Information](#)• **OELKER, JEROMY JOHN**

• - DEFENDANT CR/TR

Charge # 3:

**50201 - FELONY** ASSAULT, W/USE OF DEADLY WEAPON

- Original Charge
- 50201 ASSAULT, W/USE OF DEADLY WEAPON (FELONY)
- Indicted Charge
- Amended Charge
- DV Related?
- Modifiers
- Stage Date
- PCN
- NVHP5211750C
- PCN Sequence
- 003

- Ticket #
- ATN #
- Tracking #
- Place of Offense
- HENDERSON TOWNSHIP
- Offense Location
- Date of Offense
- 04/25/2022
- Complainant

**Party Charge Disposition**

Disposition Date

Disposition

06/05/2022

WAIVER OF PRELIMINARY HEARING

[Sentencing Information](#)• **OELKER, JEROMY JOHN**

• - DEFENDANT CR/TR

Charge # 4:

**50216 - FELONY** BATTERY W/SUBSTANTIAL BODILY HARM - VICTIM IS AN O

- Original Charge
- 50216 BATTERY W/SUBSTANTIAL BODILY HARM - VICTIM IS AN O (FELONY)
- Indicted Charge
- Amended Charge
- DV Related?
- Modifiers
- Stage Date
- PCN
- NVHP5211750C
- PCN Sequence
- 800

- Ticket #
- ATN #
- Tracking #
- Place of Offense
- HENDERSON TOWNSHIP
- Offense Location
- Date of Offense
- 04/25/2022
- Complainant

**Party Charge Disposition**

Disposition Date

Disposition  
06/05/2022  
WAIVER OF PRELIMINARY HEARING

[Sentencing Information](#)

- **OELKER, JEROMY JOHN**
- - DEFENDANT CR/TR
- Charge # 5:  
**50205 - FELONY** ASSAULT ON PROTECTED PERSON, W/USE OF DEADLY WEAPO

- Original Charge
- 50205 ASSAULT ON PROTECTED PERSON, W/USE OF DEADLY WEAPO (FELONY)
- Indicted Charge
- Amended Charge
- DV Related?
- Modifiers
- Stage Date
- PCN
- NVHP5211750C
- PCN Sequence
- 801

- Ticket #
- ATN #
- Tracking #
- Place of Offense
- HENDERSON TOWNSHIP
- Offense Location
- Date of Offense
- 04/25/2022
- Complainant

**Party Charge Disposition**  
Disposition Date  
Disposition  
06/05/2022  
WAIVER OF PRELIMINARY HEARING

[Sentencing Information](#)

[Load Party Charges 6 through 8](#) [Load All 8 Party Charges](#)

**Ticket/Citation #**

**Citation # : - HENDERSON TOWNSHIP**  
• **Offense Date**  
• **04/25/2022**

- Agency
- HENDERSON POLICE DEPARTMENT
- Officer
- Second Officer
- Complainant

- Speed Cited
- Speed Limit
- Location
- Insured/Proof
- Accident
- N
- Work Zone
- Haz Mat
- Points
- Priors
- License Taken
- N
- BAC

- Plate
- State
- Year
- Type
- Style
- Color

**Events**

<u>Date/Time</u>	<u>Location</u>	<u>Type</u>	<u>Result</u>	<u>Event Judge</u>
04/28/2022 09:00 AM	DEPARTMENT 2	FELONY ARRAIGNMENT HND	CRIMINAL HEARING HELD	GEORGE, STEPHEN L
05/02/2022 09:00 AM	DEPARTMENT 3	FELONY ARRAIGNMENT HND	CRIMINAL HEARING HELD	THOMSON, ELDON LEE
05/11/2022 09:00 AM	DEPARTMENT 3	FELONY ARRAIGNMENT HND	ARRAIGNMENT HEARING HELD	GIBSON, SR, DAVID S
05/26/2022 09:30 AM	DEPARTMENT 3	PRELIMINARY HEARING HND	CRIMINAL HEARING HELD	GIBSON, SR, DAVID S
06/02/2022 09:00 AM	DEPARTMENT 3	COURT APPEARANCE HND	CRIMINAL HEARING HELD	GIBSON, SR, DAVID S
07/01/2022 08:30 AM	DISTRICT COURT DEPARTMENT 32	DISTRICT COURT ARRAIGNMENT HND	HEARD IN DISTRICT COURT	
12/22/2022 09:00 AM	DEPARTMENT 2	COURT APPEARANCE HND	CRIMINAL HEARING HELD	GEORGE, STEPHEN L
01/03/2023 09:30 AM	DEPARTMENT 3	PRELIMINARY HEARING HND	CRIMINAL HEARING HELD	GIBSON, SR, DAVID S
01/12/2023 09:30 AM	DEPARTMENT 3	PRELIMINARY HEARING HND	CRIMINAL HEARING HELD	GIBSON, SR, DAVID S
01/17/2023 09:30 AM	DISTRICT COURT DEPARTMENT 3	DISTRICT COURT ARRAIGNMENT HND	HEARD IN DISTRICT COURT	

**Docket Information**

<u>Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>
04/26/2022	SET FOR COURT APPEARANCE Event: FELONY ARRAIGNMENT HND Date: 04/28/2022 Time: 9:00 am Judge: GEORGE, STEPHEN L Location: DEPARTMENT 2  Result: CRIMINAL HEARING HELD	
04/27/2022	COMPLAINT FILED	
04/28/2022	S.L. GEORGE, JP C. PANDELIS, DDA J. NESCI, CLK S. GRAHAM, CR	
04/28/2022	INITIAL ARRAIGNMENT: DEFENDANT NOT PRESENT IN CUSTODY, REFUSED TRANSPORTATION CONTINUED FOR INITIAL ARRAIGNMENT DEFENDANT TO BE BROUGHT BY ANY MEANS BAIL STANDS: NO BAIL REMAND TO METRO	
04/28/2022	HEARING HELD The following event: FELONY ARRAIGNMENT HND scheduled for 04/28/2022 at 9:00 am has been resulted as follows:  Result: CRIMINAL HEARING HELD Judge: GEORGE, STEPHEN L Location: DEPARTMENT 2	
04/28/2022	SET FOR COURT APPEARANCE Event: FELONY ARRAIGNMENT HND Date: 05/02/2022 Time: 9:00 am Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
05/02/2022	E.L. THOMSON, PRO TEM FOR D.S. GIBSON, SR., JP J.P. RAMAN, DDA D. LOPEZ, CLK L. BRENSKE, CR	
05/02/2022	CONTINUED INITIAL ARRAIGNMENT: DEFENDANT NOT PRESENT IN CUSTODY - NOT TRANSPORTED DUE TO COVID CONTINUED FOR INITIAL ARRAIGNMENT AND DEFENDANT'S PRESENCE RETURN TO METRO	

<u>Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>
05/02/2022	HEARING HELD The following event: FELONY ARRAIGNMENT HND scheduled for 05/02/2022 at 9:00 am has been resulted as follows:  Result: CRIMINAL HEARING HELD Judge: THOMSON, ELDON LEE Location: DEPARTMENT 3	
05/02/2022	SET FOR COURT APPEARANCE Event: FELONY ARRAIGNMENT HND Date: 05/11/2022 Time: 9:00 am Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
05/11/2022	D.S. GIBSON, SR., JP M. SCHEIBLE, DDA M. HYTE, DPD D. LOPEZ, CLK L. BRENSKE, CR	
05/11/2022	INITIAL ARRAIGNMENT: DEFENDANT PRESENT IN CUSTODY ADVISED. REQUESTS PUBLIC DEFENDER. DEFENSE COUNSEL APPOINTED & ACKNOWLEDGES WAIVED READING OF THE COMPLAINT BY AND THROUGH HIS ATTORNEY, DEFENDANT ASKED FOR DATE CERTAIN FOR HEARING INVOKED 15 DAY RULE PRELIMINARY HEARING DATE SET BAIL STANDS: NO BAIL RETURN TO METRO	
05/11/2022	ARRAIGNMENT HEARING HELD The following event: FELONY ARRAIGNMENT HND scheduled for 05/11/2022 at 9:00 am has been resulted as follows:  Result: ARRAIGNMENT HEARING HELD Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
05/11/2022	SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING HND Date: 05/26/2022 Time: 9:30 am Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
05/26/2022	E.L. THOMSON PRO TEMP FOR D.S. GIBSON, SR., JP N. DEMONTE, DDA M. HYTE, DPD D. LOPEZ, CLK L. BRENSKE, CR	
05/26/2022	PRELIMINARY HEARING: DEFENDANT PRESENT IN CUSTODY PUBLIC DEFENDER REQUESTS FERETTA CANVAS STATES HE CAN NOT MAKE THE ARGUMENTS ETHICALLY THAT THE DEFENDANT WANTS. DEFENDANT WAS MAKING ALLEGATIONS AGAINST PUBLIC DEFENDER. MOTION BY PUBLIC DEFENDER TO WITHDRAW. MOTION GRANTED. STATE RAISES CONCERN OF COMPETENCY. DEFENDANT ARGUMENTATIVE WITH JUDGE, PUBLIC DEFENDER AND STATE. CONTINUED FOR COUNSEL TO BE COURT APPOINTED. RETURN TO METRO	
05/26/2022	HEARING HELD The following event: PRELIMINARY HEARING HND scheduled for 05/26/2022 at 9:30 am has been resulted as follows:  Result: CRIMINAL HEARING HELD Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
05/26/2022	SET FOR COURT APPEARANCE Event: COURT APPEARANCE HND Date: 06/02/2022 Time: 9:00 am Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
06/02/2022	STATUS CHECK: DEFENDANT PRESENT IN CUSTODY- CCDC COURT APPOINTS H. GRUBER COURT IN RECEIPT OF DEFENDANTS MOTION TO DISMISS- DENIED Request and Order for Competency Evaluation signed in Open Court - DEFENDANT CONDITIONALLY BOUND OVER TO DISTRICT COURT FOR FURTHER PROCEEDNGS RE: COMPETENCY. THIS MATTER IS ASSIGNED TO DISTRICT COURT DEPT. 32 DEFENDANT TO APPEAR IN DISTRICT COURT V FOR COMPETENCY HEARING. NO BAIL STANDS	

<u>Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>
	CORRECTED MINUTES - 09/12/2022  MR. GRUBER WAS NOT APPOINTED DURING THE HEARING. THE DEFENDANT WAS ARGUEMENTATIVE AND COURT ORDERED DEFENDANT TO APPEAR IN COMPETENCY COURT. A COURT APPOINTED ATTORNEY DID NOT GET APPOINTED.	
06/02/2022	D.S. GIBSON, SR., JP J.P. RAMAN, DDA M. HYTE, DPD H. GRUBER, ESQ D. LOPEZ, CLK L. BRENSKE, CR	
06/02/2022	HEARING HELD The following event: COURT APPEARANCE HND scheduled for 06/02/2022 at 9:00 am has been resulted as follows:  Result: CRIMINAL HEARING HELD Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
06/02/2022	SET FOR COURT APPEARANCE Event: DISTRICT COURT ARRAIGNMENT HND Date: 07/01/2022 Time: 8:30 am Judge: Location: DISTRICT COURT DEPARTMENT 32	
12/19/2022	Defendant was found Competent in DC XXXII REMANDED TO HENDERSON JUSTICE COURT	
12/19/2022	SET FOR COURT APPEARANCE Event: COURT APPEARANCE HND Date: 12/22/2022 Time: 9:00 am Judge: GEORGE, STEPHEN L Location: DEPARTMENT 2  Result: CRIMINAL HEARING HELD	
12/19/2022	HEARING HELD The following event: DISTRICT COURT ARRAIGNMENT HND scheduled for 07/01/2022 at 8:30 am has been resulted as follows:  Result: HEARD IN DISTRICT COURT Judge: Location: DISTRICT COURT DEPARTMENT 32	
12/22/2022	S.L. GEORGE, JP FOR D.S. GIBSON, SR., JP T. COBB, DDA H. GRUBER, ESQ J. NESCI, CLK L. BRENSKE, CR	
12/22/2022	STATUS CHECK: DEFENDANT PRESENT IN CUSTODY DEFENDANT FOUND COMPETENT PRELIMINARY HEARING DATE SET NO BAIL STANDS RETURN TO METRO	
12/22/2022	HEARING HELD The following event: COURT APPEARANCE HND scheduled for 12/22/2022 at 9:00 am has been resulted as follows:  Result: CRIMINAL HEARING HELD Judge: GEORGE, STEPHEN L Location: DEPARTMENT 2	
12/22/2022	SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING HND Date: 01/03/2023 Time: 9:30 am Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
01/03/2023	D.S. GIBSON, SR., JP T. SHARP, DDA H. GRUBER, ESQ D. LOPEZ, CLK L. BRENSKE, CR	
01/03/2023	PRELIMINARY HEARING: DEFENDANT PRESENT IN CUSTODY MATTER CALLED OFF DEFENSE NEEDS VIDEO PRELIMINARY HEARING DATE SET RETURN TO METRO	



<u>Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>
01/03/2023	HEARING HELD The following event: PRELIMINARY HEARING HND scheduled for 01/03/2023 at 9:30 am has been resulted as follows:  Result: CRIMINAL HEARING HELD Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
01/03/2023	SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING HND Date: 01/12/2023 Time: 9:30 am Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
01/12/2023	PRELIMINARY HEARING: Defendant PRESENT IN CUSTODY Per Negotiations: Defendant UNCONDITIONALLY WAIVED Preliminary Hearing. Thereupon Court ORDERED defendant held to answer to said charge in the Eighth Judicial District Court. RETURN TO METRO	
01/12/2023	D.S. GIBSON, SR., JP H. TRIPPIEDI DDA H. GRUBER, ESQ D. LOPEZ, CLK L. BRENSKE, CR	
01/12/2023	HEARING HELD The following event: PRELIMINARY HEARING HND scheduled for 01/12/2023 at 9:30 am has been resulted as follows:  Result: CRIMINAL HEARING HELD Judge: GIBSON SR, DAVID S Location: DEPARTMENT 3	
01/12/2023	SET FOR COURT APPEARANCE Event: DISTRICT COURT ARRAIGNMENT HND Date: 01/17/2023 Time: 9:30 am Judge: Location: DISTRICT COURT DEPARTMENT 3	
01/12/2023	HEARING HELD The following event: DISTRICT COURT ARRAIGNMENT HND scheduled for 01/17/2023 at 9:30 am has been resulted as follows:  Result: HEARD IN DISTRICT COURT Judge: Location: DISTRICT COURT DEPARTMENT 3	

**Linked Cases**

<u>Link Group</u>	<u>Case #</u>	<u>File Date</u>
22CRH000445-0000	<a href="#">22PCH000515-0000</a>	04/26/2022

**Case Disposition**

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
BOUND OVER	06/05/2022	GIBSON, SR, DAVID S
BOUND OVER	01/12/2023	GIBSON, SR, DAVID S

# Exhibit F-2

## Negative Covid-19 Results

(Two Records Attached)(two counts of Fraud) - N.C.R. 60(b)(3) Note: The District Attorney J.P. Raman lied to Judge Thomson on May 2nd 2022, by stating he was causing an Unreasonable Delay because I allegedly had Covid-19. Judge Thomson was bias and granted the delay without ordering prosecution to meet the burden of proof. As you will conclude the Lab Result was negative for Covid-19. Furthermore Second Amended Administrative Order 20-02 dated 18th March, 2020 is Un-Constitutional and was not extended beyond 18th January, 2021 anyhow. I also never consented to be tested, they stated I would remain in the holding tank without blankets until I signed that and a D.N.A. test. First count of Identity theft without due process. The Tenth Circuit has held that when government classifications abridge a fundamental right (even in part), the Equal Protection Clause of the Constitution mandates strict scrutiny, a level of scrutiny which defendants cannot meet here. (“A provision subject to strict scrutiny ‘cannot rest upon a generalized assertion as to the classification’s relevance to its goals.’”) (quoting Richmond v. J.A. Crosson Co., 488 U.S. 469, 500 (1989))

**Southern Nevada Health District Laboratory System**

280 South Decatur Blvd.  
LAS VEGAS, NV 89107

Hong-Yuan Kan, PhD,  
HCLD (ABB)  
Laboratory Director

Name:	<b>Oelker, Jeromy</b>	Provider:	LEGUEN, FERMIN M.D.
DOB:	05/04/1980 AGE: 42 SEX: M	Draw Location:	Henderson Detention Center
Orchard ID:	0000367457	Order Location:	OEDS
Sample ID:	605381	Collection Date:	4/26/2022 4:54 PM
WebIZ:		Received Date:	4/27/2022 2:32 PM
Bubble Number:		Completion Date:	4/28/2022 8:18 AM
Sample Type:		TB ID #:	
Account Number:		Facility Patient ID:	

TEST NAME	IN RANGE	RESULT	OUT OF RANGE	UNITS	REFERENCE RANGE
<b>SARS-CoV-2 Real-time RT PCR Test</b>					
SPECIMEN SOURCE		Nares Swab			
TaqPath COVID-19 Combo Kit		SARS-CoV-2 Not Detected			Not Detected



## Nevada State Public Health Laboratory

### University of Nevada, Reno

1660 North Virginia Street / Reno, Nevada 89503-0703  
(775) 688-1335 / (775) 688-1460 Fax

Director: Mark W. Pandori PhD HCLD(ABB) CLIA: 29D06527-48 CAP: 2248701 NV State: 1479PHL-0

#### Detention Center Transfer

3955 W. Russell Rd.  
Las Vegas, NV, 89118

#### Sentinel Site #

**Patient Name : OELKER, JEROMY**

DOB: 05/04/1980

Sex: Male

Patient ID: 8640106

Ordering Clinician: MINEV

**Accession No: CL2023-00011700**

Date/Time Collected: 03/28/2023 09:35

Date/Time Received: 03/29/2023 10:59

Date/Time Reported: 03/30/2023 11:35

<u>Assay</u>	<u>Result</u>	<u>Reference Interval</u>
<b><u>SARS-CoV-2 Multiplex</u></b>		
<i>Specimen Source:</i>	Nasal Swab	
Influenza A	Not Detected	Not Detected
Influenza B	Not Detected	Not Detected
SARS-CoV-2 N gene	Not Detected	Not Detected

The Nevada State Public Health Laboratory offers this test under an Emergency Use Authorization (EUA) provided by the Food and Drug Administration (FDA). That EUA is on file and available at the Nevada State Public Health Laboratory.

NOTE: The test results for any individual specimen may be influenced by factors beyond the control of the laboratory. For example, specimens that are not stored or transported under proper conditions (i.e. refrigerated for up to 72 hours or frozen for any length of time) can yield results that may not be reliable. Negative results from improperly managed specimens could be false.

Influenza SARS-CoV-2 (Flu SC2) Multiplex Assay\_Centers for Disease Control and Prevention (CDC)\_EUA

Report Reviewed by:

**Andrew Gorzalski**

Analyst

Confidentiality, security, and integrity of patient data should be maintained in accordance with CLIA and HIPAA.

# Exhibit G-1

The 3 Hearing Transcripts, Unsigned Complaint, and Unsigned Probable Cause Affidavit all were included in these emails. Emails are time stamped and deemed Authentic Records. Also notice Mr. Gruber states he would not assist me with challenging the Wrongful Conviction.



# Exhibit G-2

## Guilty Plea Agreement

As you will notice in the language of the Agreement, it indicates the District Attorney knew the court was without Jurisdiction and Plenary Power. Hence why I had to waive direct appeal.

I knowingly signed the plea agreement, because of the myriad violations, knowing that when I got access to the courts, I would be eligible for relief. Attorney Harvey Gruber refused to gather evidence or move for Dismissal in anyway. So in accordance with the Agreement I filed an Extraordinary Writ under N.C.R. 60 (b)(3) and (b)(4). See page 4 section 6. If this Cause of Action is Adjudicated by the Appellate court the State is in Breach of Contract.

It's unfortunate the Nevada Supreme Court did not have the grit to rule on the merits.

Re: Jeromy Oelker Case# 22CRH000445 Henderson Justice Court

From: Harvey Gruber (hgruber@hgruberlaw.com)

To: oelkerj@yahoo.com

Date: Thursday, August 17, 2023 at 02:09 PM PDT

Hello Jeromy,

I have provided everything that I have in my file.

I do not have any audio discs, I do not have any other reports from Dr. Slagle or Dr. Lenkeit, I do not have any PDF copies of the transcripts.

Additionally, my representation of your case ended at sentencing.

Harvey Gruber, Esq.  
Law Offices of Mayfield & Gruber  
702-566-4099

This e-mail message is a confidential communication from the Law Offices of Mayfield & Gruber and is only intended for the named recipient(s) above and may contain information that is a trade secret, proprietary, privileged or attorney work product. If you have received this message in error, or are not the named or intended recipient(s), please immediately notify the sender at 702-566-4099 and delete this e-mail message and any attachments from your workstation or network mail system.

On Thu, Aug 17, 2023 at 1:57 PM jeromy oelker <[oelkerj@yahoo.com](mailto:oelkerj@yahoo.com)> wrote:

Harvey Gruber,

I hope all is well. While I was in prison I requested you to get some documents prepared for my release. Will you please help me with the following?

1) Audio Discs for the following hearings conducted during 2022: May 11, May 26, June 2nd and well as the Feb 28 2023 Sentencing Hearing.

2) I will also need the case documents for the Henderson Justice Court Case; All Motions, Orders, Complaint, Discovery, Competency evaluations by Dr. Slaggle and Dr. Leinkeit. If you could I would like all that emailed along with an inventory list. I also would like a copy of the Plea Agreement and any other type of document I have not stated that you are aware of.

3) PDF copies of Transcripts for hearings conducted during 2022: May 11, May 26, June 2nd and well as the Feb 28 2023 Sentencing Hearing.

Case # 22CRH000445

Case # -22-365622-1 (Competency Court) Clark County Dept. 12

Respectfully,  
Jeromy Oelker

Re: Jeromy Oelker Case# 22CRH000445 Henderson Justice Court

From: Harvey Gruber (hgruber@hgruberlaw.com)

To: oelkerj@yahoo.com

Date: Thursday, August 17, 2023 at 03:47 PM PDT

Jeromy,

Here are all the documents I have regarding your case. I have shared all of these with you before.

Harvey Gruber, Esq.  
Law Offices of Mayfield & Gruber  
702-566-4099

This e-mail message is a confidential communication from the Law Offices of Mayfield & Gruber and is only intended for the named recipient(s) above and may contain information that is a trade secret, proprietary, privileged or attorney work product. If you have received this message in error, or are not the named or intended recipient(s), please immediately notify the sender at 702-566-4099 and delete this e-mail message and any attachments from your workstation or network mail system.

On Thu, Aug 17, 2023 at 2:13 PM jeromy oelker <[oelkerj@yahoo.com](mailto:oelkerj@yahoo.com)> wrote:

Mr. Gruber,  
I had a hard time securing those documents while in prison, would you please send them to my email address?

Best,  
Jeromy

On Thursday, August 17, 2023 at 01:57:28 PM PDT, jeromy oelker <[oelkerj@yahoo.com](mailto:oelkerj@yahoo.com)> wrote:

Harvey Gruber,  
I hope all is well. While I was in prison I requested you to get some documents prepared for my release. Will you please help me with the following?

1) Audio Discs for the following hearings conducted during 2022: May 11, May 26, June 2nd and well as the Feb 28 2023 Sentencing Hearing.

2) I will also need the case documents for the Henderson Justice Court Case; All Motions, Orders, Complaint, Discovery, Competency evaluations by Dr. Slaggle and Dr. Leinkeit. If you could I would like all that emailed along with an inventory list. I also would like a copy of the Plea Agreement and any other type of document I have not stated that you are aware of.

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Case # 22CRH000445

Case # -22-365622-1 (Competency Court) Clark County Dept. 12

Respectfully,  
Jeromy Oelker



1.17.23.FILED.GPA.pdf

690.5kB



2.6.23 PSI.pdf

703.1kB



2.28.23.DCT 3 Transcript at SENTENCING.pdf

214kB



5.11.22 HJCT Transcript at Initial Arraignment.pdf

109.4kB



5.26.22 HJCT Transcript.pdf

1MB



6.2.22 HJCT Transcript at PH.pdf

288.8kB



9.15.22 Criminal Complaint . DISCOVERY.pdf

1.9MB



11.22.22 Lake's Crossing Cntr. PSYCHIATRIC EVALUATION - ADJUDICATIVE COMPETENCY.pdf

2.1MB

Re: Jeromy Oelker Case# 22CRH000445 Henderson Justice Court

From: Harvey Gruber (hgruber@hgruberlaw.com)

To: oelkerj@yahoo.com

Date: Thursday, August 17, 2023 at 04:22 PM PDT

Mr. Oelker,

I have not caused you any injuries whatsoever. You chose to take the negotiations offered in this case, I did not force you to do anything. This is at least the second time that I have provided you with your file. If you believe you need to file a bar complaint with the Nevada State Bar Association, here is their number, 702-382-2200.

I have not done anything wrong in representing you. I have not caused you any harm or injuries.

My representation of you and your case was over at your sentencing date. Be advised I will not reply to any further emails or phone calls.

Harvey Gruber, Esq.  
Law Offices of Mayfield & Gruber  
702-566-4099

This e-mail message is a confidential communication from the Law Offices of Mayfield & Gruber and is only intended for the named recipient(s) above and may contain information that is a trade secret, proprietary, privileged or attorney work product. If you have received this message in error, or are not the named or intended recipient(s), please immediately notify the sender at 702-566-4099 and delete this e-mail message and any attachments from your workstation or network mail system.

On Thu, Aug 17, 2023 at 4:03 PM jeromy oelker <[oelkerj@yahoo.com](mailto:oelkerj@yahoo.com)> wrote:

Mr. Gruber,

Thank you for your compliance regarding this matter, there are still other matters in which I am due relief from injuries you have caused by inaction and ineffective assistance of counsel. If you are inclined to reduce the damages caused by said acts, I would wish that you get the rest of the documents and audio I have requested. These emails are to be used as evidence and thus far you have shown diligence upon my release from prison.

Respectfully,  
Jeromy Oelker

On Thursday, August 17, 2023 at 03:47:53 PM PDT, Harvey Gruber <[hgruber@hgruberlaw.com](mailto:hgruber@hgruberlaw.com)> wrote:

Jeromy,

Here are all the documents I have regarding your case. I have shared all of these with you before.

Harvey Gruber, Esq.  
Law Offices of Mayfield & Gruber  
702-566-4099

This e-mail message is a confidential communication from the Law Offices of Mayfield & Gruber and is only intended for the named recipient(s) above and may contain information that is a trade secret, proprietary, privileged or attorney work product. If you have received this message in error, or are not the named or intended recipient(s), please immediately notify the sender at



702-566-4099 and delete this e-mail message and any attachments from your workstation or network mail system.

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Jeromy

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2) I will also need the case documents for the Henderson Justice Court Case; All Motions, Orders, Complaint, Discovery, Competency evaluations by Dr. Slaggle and Dr. Leinkeit. If you could I would like all that emailed along with an inventory list. I also would like a copy of the Plea Agreement and any other type of document I have not stated that you are aware of.

3)I PDF copies of Transcripts for hearings conducted during 2022: May 11, May 26, June 2nd and well as the Feb 28 2023 Sentencing Hearing.

Case # 22CRH000445

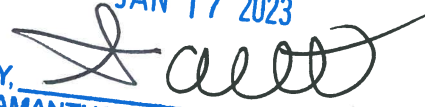
Case # -22-365622-1 (Competency Court) Clark County Dept. 12

Respectfully,  
Jeromy Oelker

COPY

1 **GPA**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 HAGAR TRIPPIEDI  
6 Chief Deputy District Attorney  
7 Nevada Bar #10114  
8 200 Lewis Avenue  
9 Las Vegas, NV 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

JAN 17 2023  
BY,   
SAMANTHA ALBRECHT, DEPUTY

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 JEROMY JOHN OELKER, aka,  
13 Jeromy J. Oelker, #8640106  
14 Defendant.

CASE NO: C-22-365622-1  
DEPT NO: III

15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: ATTEMPT STOP REQUIRED ON SIGNAL OF  
17 POLICE OFFICER (Category C Felony - NRS 484b.550; 193.153 - NOC 55183), as more  
18 fully alleged in the charging document attached hereto as Exhibit "1".

19 My decision to plead guilty is based upon the plea agreement in this case which is as  
20 follows:

21 The State has agreed to make no recommendation at the time of sentencing. All  
22 remaining counts contained in the Criminal Complaint which were bound over to District  
23 Court shall be dismissed when Defendant is adjudged guilty and sentenced.

24 I agree to the forfeiture of any and all weapons or any interest in any weapons seized  
25 and/or impounded in connection with the instant case and/or any other case negotiated in  
26 whole or in part in conjunction with this plea agreement.

27 I understand and agree that, if I fail to interview with the Department of Parole and  
28 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,

1 by affidavit review, confirms probable cause against me for new criminal charges including  
2 reckless driving or DUI, but excluding minor traffic violations, the State will have the  
3 unqualified right to argue for any legal sentence and term of confinement allowable for the  
4 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have  
5 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without  
6 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite  
7 twenty-five (25) year term with the possibility of parole after ten (10) years.

8 Otherwise I am entitled to receive the benefits of these negotiations as stated in this  
9 plea agreement.

#### 10 CONSEQUENCES OF THE PLEA

11 I understand that by pleading guilty I admit the facts which support all the elements of  
12 the offense(s) to which I now plead as set forth in Exhibit "1".

13 I understand that as a consequence of my plea of guilty the Court must sentence me to  
14 imprisonment in the Nevada Department of Corrections for a minimum term of not less than  
15 one (1) year and a maximum term of not more than five (5) years. The minimum term of  
16 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I  
17 understand that I may also be fined up to \$5,000.00. I understand that the law requires me to  
18 pay an Administrative Assessment Fee.

19 I understand that, if appropriate, I will be ordered to make restitution to the victim of  
20 the offense(s) to which I am pleading guilty and to the victim of any related offense which is  
21 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to  
22 reimburse the State of Nevada for any expenses related to my extradition, if any.

23 I understand that I am eligible for probation for the offense to which I am pleading  
24 guilty. I understand that, except as otherwise provided by statute, the question of whether I  
25 receive probation is in the discretion of the sentencing judge.

26 I understand that I must submit to blood and/or saliva tests under the Direction of the  
27 Division of Parole and Probation to determine genetic markers and/or secretor status.

28 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,

1 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or  
2 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation  
3 and may receive a higher sentencing range.

4 I understand that if more than one sentence of imprisonment is imposed and I am  
5 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order  
6 the sentences served concurrently or consecutively.

7 I understand that information regarding charges not filed, dismissed charges, or charges  
8 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

9 I have not been promised or guaranteed any particular sentence by anyone. I know that  
10 my sentence is to be determined by the Court within the limits prescribed by statute.

11 I understand that if my attorney or the State of Nevada or both recommend any specific  
12 punishment to the Court, the Court is not obligated to accept the recommendation.

13 I understand that if the offense(s) to which I am pleading guilty was committed while I  
14 was incarcerated on another charge or while I was on probation or parole that I am not eligible  
15 for credit for time served toward the instant offense(s).

16 I understand that if I am not a United States citizen, any criminal conviction will likely  
17 result in serious negative immigration consequences including but not limited to:

- 18 1. The removal from the United States through deportation;
- 19 2. An inability to reenter the United States;
- 20 3. The inability to gain United States citizenship or legal residency;
- 21 4. An inability to renew and/or retain any legal residency status; and/or
- 22 5. An indeterminate term of confinement, with the United States Federal  
23 Government based on my conviction and immigration status.

24 Regardless of what I have been told by any attorney, no one can promise me that this  
25 conviction will not result in negative immigration consequences and/or impact my ability to  
26 become a United States citizen and/or a legal resident.

27 I understand that the Division of Parole and Probation will prepare a report for the  
28 sentencing judge prior to sentencing. This report will include matters relevant to the issue of

1 sentencing, including my criminal history. This report may contain hearsay information  
 2 regarding my background and criminal history. My attorney and I will each have the  
 3 opportunity to comment on the information contained in the report at the time of sentencing.  
 4 Unless the District Attorney has specifically agreed otherwise, the District Attorney may also  
 5 comment on this report.

#### 6 WAIVER OF RIGHTS

7 By entering my plea of guilty, I understand that I am waiving and forever giving up the  
 8 following rights and privileges:

- 9 1. The constitutional privilege against self-incrimination, including the right  
 10 to refuse to testify at trial, in which event the prosecution would not be  
 allowed to comment to the jury about my refusal to testify.
- 11 2. The constitutional right to a speedy and public trial by an impartial jury,  
 12 free of excessive pretrial publicity prejudicial to the defense, at which  
 trial I would be entitled to the assistance of an attorney, either appointed  
 13 or retained. At trial the State would bear the burden of proving beyond  
 a reasonable doubt each element of the offense(s) charged.
- 14 3. The constitutional right to confront and cross-examine any witnesses who  
 15 would testify against me.
- 16 4. The constitutional right to subpoena witnesses to testify on my behalf.
- 17 5. The constitutional right to testify in my own defense.
- 18 6. The right to appeal the conviction with the assistance of an attorney,  
 19 either appointed or retained, unless specifically reserved in writing and  
 agreed upon as provided in NRS 174.035(3). I understand this means I  
 20 am unconditionally waiving my right to a direct appeal of this conviction,  
 including any challenge based upon reasonable constitutional,  
 21 jurisdictional or other grounds that challenge the legality of the  
 proceedings as stated in NRS 177.015(4). However, I remain free to  
 22 challenge my conviction through other post-conviction remedies  
 including a habeas corpus petition pursuant to NRS Chapter 34.

#### 23 VOLUNTARINESS OF PLEA

24 I have discussed the elements of all of the original charge(s) against me with my  
 25 attorney and I understand the nature of the charge(s) against me.

26 I understand that the State would have to prove each element of the charge(s) against  
 27 me at trial.

28 I have discussed with my attorney any possible defenses, defense strategies and



1 circumstances which might be in my favor.

2 All of the foregoing elements, consequences, rights, and waiver of rights have been  
3 thoroughly explained to me by my attorney.


4 I believe that pleading guilty and accepting this plea bargain is in my best interest, and  
5 that a trial would be contrary to my best interest.

6 I am signing this agreement voluntarily, after consultation with my attorney, and I am  
7 not acting under duress or coercion or by virtue of any promises of leniency, except for those  
8 set forth in this agreement.

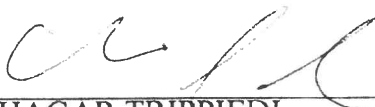
9 I am not now under the influence of any intoxicating liquor, a controlled substance or  
10 other drug which would in any manner impair my ability to comprehend or understand this  
11 agreement or the proceedings surrounding my entry of this plea.

12 My attorney has answered all my questions regarding this guilty plea agreement and its  
13 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

14 DATED this 17 day of January, 2023.

15  
16   
17 JEROMY JOHN OELKER, aka,  
Jeromy J. Oelker Defendant

18 AGREED TO BY:

19   
20  
21 HAGAR TRIPPIEDI  
22 Chief Deputy District Attorney  
23 Nevada Bar #10114  
24  
25  
26  
27  
28

## 1 CERTIFICATE OF COUNSEL:

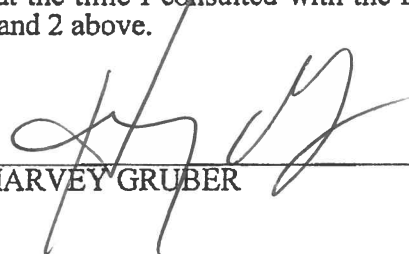
2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court  
 3 hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the  
 charge(s) to which guilty pleas are being entered.
- 5 2. I have advised the Defendant of the penalties for each charge and the restitution  
 6 that the Defendant may be ordered to pay.
- 7 3. I have inquired of Defendant facts concerning Defendant's immigration status  
 8 and explained to Defendant that if Defendant is not a United States citizen any  
 criminal conviction will most likely result in serious negative immigration  
 consequences including but not limited to:
  - 9 a. The removal from the United States through deportation;
  - 10 b. An inability to reenter the United States;
  - 11 c. The inability to gain United States citizenship or legal residency;
  - 12 d. An inability to renew and/or retain any legal residency status; and/or
  - 13 e. An indeterminate term of confinement, by with United States Federal  
 Government based on the conviction and immigration status.

14 Moreover, I have explained that regardless of what Defendant may have been  
 15 told by any attorney, no one can promise Defendant that this conviction will not  
 16 result in negative immigration consequences and/or impact Defendant's ability  
 to become a United States citizen and/or legal resident.


- 17 4. All pleas of guilty offered by the Defendant pursuant to this agreement are  
 18 consistent with the facts known to me and are made with my advice to the  
 Defendant.
- 19 5. To the best of my knowledge and belief, the Defendant:
  - 20 a. Is competent and understands the charges and the consequences of  
 pleading guilty as provided in this agreement,
  - 21 b. Executed this agreement and will enter all guilty pleas pursuant hereto  
 22 voluntarily, and
  - 23 c. Was not under the influence of intoxicating liquor, a controlled  
 24 substance or other drug at the time I consulted with the Defendant as  
 certified in paragraphs 1 and 2 above.

25 Dated: This 17 day of January, 2023.

26   
 27 HARVEY GRUBER  
 28

ab/L5

Electronically Filed  
1/13/2023 3:49 PM  
Steven D. Grlerson  
CLERK OF THE COURT



INFM  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
HAGAR TRIPPIEDI  
Chief Deputy District Attorney  
Nevada Bar #10114  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

I.A. 01/17/2023  
8:30 AM  
H. GRUBER

THE STATE OF NEVADA,  
Plaintiff,

CASE NO: C-22-365622-1

-vs-

DEPT NO: III

JEROMY JOHN OELKER, aka,  
Jeromy J. Oelker, #8640106

Defendant.

INFORMATION

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That JEROMY JOHN OELKER, aka, Jeromy J. Oelker, the Defendant(s) above named, having committed the crime of ATTEMPT STOP REQUIRED ON SIGNAL OF POLICE OFFICER (Category C Felony - NRS 484b.550; 193.153 - NOC 55183), on or between March 28, 2022 and April 25, 2022, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, did while driving a motor vehicle at 145 Elm Street, Henderson, Clark County, Nevada, willfully, unlawfully, and feloniously attempt to fail or refuse to bring said vehicle to a stop, or otherwise flee or attempt to elude a peace officer in a readily identifiable vehicle of any police department or regulatory agency, to wit: S. WEBBER, with the Henderson Police Department, after being given a signal to bring the vehicle to a stop, and

DOCUMENT20

1 did operate said motor vehicle in a manner which endangered, or was likely to endanger any  
2 person other than himself or the property of any person other than himself.

3 STEVEN B. WOLFSON  
4 Clark County District Attorney  
5 Nevada Bar #001565

6 BY

  
7 HAGAR TRIPPIEDI  
8 Chief Deputy District Attorney  
9 Nevada Bar #10114

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27 22CRH000445/ab/L5  
28 HPD EV#2207789  
(TK)

Fw: Jeromy Oelker Case# 22CRH000445 Henderson Justice Court/ 2:23-cv-01731-GMN-BNW/ Exhibit M in Support Rule 60(b)(4) Motion

From: jeromy oelker (oelkerj@yahoo.com)

To: lv\_public\_docketing@nvd.uscourts.gov; oelkerj@yahoo.com

Date: Monday, January 8, 2024 at 02:17 PM PST

Docket Clerks,

I still do not see the Harvey Gruber email/ Exhibit M reflected on the Pacer Docket??

This Email is vital to the Justices making a Meaningful review of the Record.....

Thank you,  
Jeromy Oelker

----- Forwarded Message -----

**From:** jeromy oelker <oelkerj@yahoo.com>

**To:** LV Public Docketing <lv\_public\_docketing@nvd.uscourts.gov>; jeromy oelker <oelkerj@yahoo.com>

**Sent:** Friday, January 5, 2024 at 09:21:13 AM PST

**Subject:** Fw: Jeromy Oelker Case# 22CRH000445 Henderson Justice Court/ 2:23-cv-01731-GMN-BNW/ Exhibit M in Support Rule 60(b)(4) Motion

Docket Clerks,

PLEASE FILE AS: Exhibit M in Support Rule 60(b)(4) Motion

Please file this Email in its Entirety. It is Authentic Evidence. It proves to the Justices exactly what I was given during the Unlawful Criminal Prosecution.

Pursuant to:

"The court is bound by the facts pleaded in the complaint with a limited exception for exhibits that are attached to the complaint, exhibits incorporated by reference in the complaint, or matters of judicial notice."

United States v. Ritchie, 342 F.3d 903, 907-08 (9th Cir. 2003).

If you must must PRINT the email as a PDF. and file that with the Attachments.



Thank you,  
Jeromy Oelker

----- Forwarded Message -----

**From:** Harvey Gruber <hgruber@hgruberlaw.com>

**To:** jeromy oelker <oelkerj@yahoo.com>

**Sent:** Thursday, August 17, 2023, 03:47:53 PM PDT

**Subject:** Re: Jeromy Oelker Case# 22CRH000445 Henderson Justice Court

Jeromy,

Here are all the documents I have regarding your case. I have shared all of these with you before.

Harvey Gruber, Esq.  
Law Offices of Mayfield & Gruber  
702-566-4099

This e-mail message is a confidential communication from the Law Offices of Mayfield & Gruber and is only intended for the named recipient(s) above and may contain information that is a trade secret, proprietary, privileged or attorney work product. If you have received this message in error, or are not the named or intended recipient(s), please immediately notify the sender at 702-566-4099 and delete this e-mail message and any attachments from your workstation or network mail system.

On Thu, Aug 17, 2023 at 2:13 PM jeromy oelker <[oelkerj@yahoo.com](mailto:oelkerj@yahoo.com)> wrote:

Mr. Gruber,

I had a hard time securing those documents while in prison, would you please send them to my email address?

Best,  
Jeromy

On Thursday, August 17, 2023 at 01:57:28 PM PDT, jeromy oelker <[oelkerj@yahoo.com](mailto:oelkerj@yahoo.com)> wrote:

Harvey Gruber,

I hope all is well. While I was in prison I requested you to get some documents prepared for my release. Will you please help me with the following?

1) Audio Discs for the following hearings conducted during 2022: May 11, May 26, June 2nd and well as the Feb 28 2023 Sentencing Hearing.

2) I will also need the case documents for the Henderson Justice Court Case; All Motions, Orders, Complaint, Discovery, Competency evaluations by Dr. Slaggle and Dr. Leinkeit. If you could I would like all that emailed along with an inventory list. I

also would like a copy of the Plea Agreement and any other type of document I have not stated that you are aware of.

3)I PDF copies of Transcripts for hearings conducted during 2022: May 11, May 26, June 2nd and well as the Feb 28 2023 Sentencing Hearing.

Case # 22CRH000445

Case # -22-365622-1 (Competency Court) Clark County Dept. 12

Respectfully,  
Jeromy Oelker



1.17.23.FILED.GPA.pdf  
690.5kB



2.6.23 PSI.pdf  
703.1kB



2.28.23.DCT 3 Transcript at SENTENCING.pdf  
214kB



5.11.22 HJCT Transcript at Initial Arraignment.pdf  
109.4kB



5.26.22 HJCT Transcript.pdf  
1MB



6.2.22 HJCT Transcript at PH.pdf  
288.8kB



9.15.22 Criminal Complaint . DISCOVERY.pdf  
1.9MB



11.22.22 Lake's Crossing Cntr. PSYCHIATRIC EVALUATION - ADJUDICATIVE COMPETENCY.pdf  
2.1MB

Nevada Statutes Violated in 2022 by Henderson Justice Court:

N.R.S. 53.045: Use of unsworn declaration in lieu of affidavit or other sworn declaration; exception. Any matter whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and dated.

N.R.S. 173.075: Nature and contents generally (1); The indictment or the information must be a plain, concise and definite written statement of the essential facts constituting the offense charged. It must be signed by the Attorney General acting pursuant to a specific statute or the district attorney.

“Impropriety” includes conduct that violates the law, court rules, or provisions of this Code, and conduct that undermines a judge’s independence, integrity, or impartiality. See Canon 1 and Rule 1.2.

## **Applicable Nevada Statutes and Rules:**

### **Nevada Judicial Conduct: Part VI:**

(3) The word **“Must” is obligatory** as to the conduct at issue

Canon 1.1: A Judge shall comply with the law

Canon 2.1: The duties of the judicial office as prescribed by law

Canon 2.2: Impartiality and fairness, a judge shall uphold and apply the law

## **LOCAL RULES OF PRACTICE FOR THE JUSTICE COURT OF HENDERSON TOWNSHIP:**

**Rule 3. Definitions of words and terms.** In these rules, unless the context or subject matter otherwise requires:

(f) **“Shall” is mandatory**, and “may” is permissive.

### **Complaint not signed:**

N.R.S. 173.075: Nature and contents generally (1); The indictment or the information must be a plain, concise and definite written statement of the essential facts constituting the offense charged. **It must be signed** by the Attorney General acting pursuant to a specific statute or the district attorney.

### **Affidavit Required:**

**NRS 173.045: District attorney or Attorney General to be informant; endorsement of names of witnesses; affidavits.**

1. All informations **must** be filed in the court having jurisdiction of the offenses specified therein, by the Attorney General when acting pursuant to a specific statute or by the district attorney of the proper county as informant, and his or

her name **must** be subscribed thereto by him or her or by his or her deputy.

2. The district attorney or the Attorney General **shall** endorse thereon the names of such witnesses as are known at the time of filing the information. The district attorney or Attorney General **shall** not endorse the name of any witness whom he or she does not reasonably expect to call.

3. In all cases in which the defendant has not had or waived a preliminary examination there **must** be filed with the information the **affidavit of some credible person** verifying the information upon the personal knowledge of affiant that the offense was committed.

#### **Bail 48 Hours:**

**NRS 178.4849 Pretrial release hearing required to be held within 48 hours after person taken into custody to determine custody status; exceptions; continuance.**

1. Except as otherwise provided in this section and NRS 178.484 and 178.4847, a court **shall, within 48 hours** after a person has been taken into custody, hold a pretrial release hearing, in open court or by means of remote communication, to determine the custody status of the person. The pretrial release hearing may be continued for good cause shown.

#### **72 Hour Rule:**

**NRS 171.178 Appearance before magistrate; release from custody by arresting officer.**



1. Except as otherwise provided in subsections 5 and 6, a peace officer making an arrest under a warrant issued upon a complaint or without a warrant **shall** take the arrested person **without unnecessary delay** before the magistrate who issued the warrant or the nearest available magistrate empowered to commit persons charged with offenses against the laws of the State of Nevada.

3. If an arrested person is not brought before a magistrate **within 72 hours after arrest**, excluding non-judicial days, the magistrate:

(a) Shall give the prosecuting attorney an opportunity to explain the circumstances leading to the delay; and

(b) May release the arrested person if the magistrate determines that the person was not brought before a magistrate without unnecessary delay.

4. When a person arrested without a warrant is brought before a magistrate, a complaint must be filed forthwith.

5. Except as otherwise provided in NRS 178.484 and 178.487, where the defendant can be admitted to bail without appearing personally before a magistrate, the defendant must be so admitted with the least possible delay, and required to appear before a magistrate at the earliest convenient time thereafter.

### **Arraignment:**

#### **NRS 174.015 Conduct of arraignment.**

1. Except as otherwise provided in subsection 3, arraignment **shall** be conducted in open court and **shall** consist of reading the indictment or information to the defendant or

stating the substance of the charge and calling on the defendant to plead thereto. The defendant **shall** be given a copy of the indictment or information before the defendant is called upon to plead.

2. In justice court or municipal court, before the trial commences, the complaint **must** be distinctly read to the defendant before the defendant is called upon to plead.

### **Rights before a Preliminary Examination:**

#### **NRS 171.206 Procedure following preliminary examination.**

If from the evidence it appears to the magistrate that there is probable cause to believe that an offense has been committed and that the defendant has committed it, **the magistrate shall forthwith hold the defendant to answer in the district court;** otherwise the magistrate **shall** discharge the defendant. The magistrate shall admit the defendant to bail as provided in this title. After concluding the proceeding the magistrate **shall** transmit forthwith to the clerk of the district court all papers in the proceeding and any bail. (Added to NRS by [1967, 1407](#))

**NRS 171.186** Rights of defendant before preliminary examination. The magistrate or master **shall** inform the defendant of the complaint and of any **affidavit filed therewith**, of the right to retain counsel, of the right to request the assignment of counsel if the defendant is unable to obtain counsel, and of the right to have a preliminary examination. The magistrate or master **shall** also **inform the defendant that**

**the defendant is not required to make a statement and that any statement made may be used against him or her. The magistrate shall allow the defendant reasonable time and opportunity to consult counsel, and shall admit the defendant to bail as provided in this title.**

**NRS 171.188 Procedure for appointment of attorney for indigent defendant.**

1. Any defendant charged with a public offense who is an indigent may, by oral statement to the district judge, justice of the peace, municipal judge or master, request the appointment of an attorney to represent the defendant. The record in each such case **must** indicate that the defendant was provided an opportunity to make an oral statement and whether the defendant made such a statement or declined to request the appointment of an attorney. If the defendant declined to request the appointment of an attorney, the record **must** also indicate that the decision to decline was made knowingly and voluntarily and with an understanding of the consequences.

2. The request **must** be accompanied by the **defendant's affidavit**, which must state:

(a) That the defendant is without means of employing an attorney; and

(b) Facts with some particularity, definiteness and certainty concerning the defendant's financial disability.

**Discovery:**

**NRS 171.1965 Discovery by defendant before preliminary examination; material subject to discovery; effect of failure to permit discovery.**

1. At the time a person is brought before a magistrate pursuant to NRS 171.178, or as soon as practicable thereafter, but not less than 5 judicial days before a preliminary examination, the prosecuting attorney shall provide a defendant charged with a felony or a gross misdemeanor with copies of any:

**Preliminary Examination:**

**NRS 171.196 Preliminary examination: Waiver; time for conducting; postponement; introduction of evidence and cross-examination of witnesses by defendant; admissibility of hearsay evidence.**

1. If an offense is not triable in the Justice Court, the defendant must not be called upon to plead. If the defendant waives preliminary examination, the magistrate shall immediately hold the defendant to answer in the district court.

2. If the defendant does not waive examination, the magistrate shall hear the evidence within 15 days, unless for good cause shown the magistrate extends such time. Unless the defendant waives counsel, reasonable time must be allowed for counsel to appear.

**NRS 178.405 Suspension of trial or pronouncement of judgment when doubt arises as to competence of defendant; notice of suspension to be provided to other departments.**

1. Any time after the arrest of a defendant, including, without limitation, proceedings before trial, during trial, when upon conviction the defendant is brought up for judgment or when a defendant who has been placed on probation or whose sentence has been suspended is brought before the court, if doubt arises as to the competence of the defendant, the court shall suspend the proceedings, the trial or the pronouncing of the judgment, as the case may be, until the question of competence is determined.

2. If the proceedings, the trial or the pronouncing of the judgment are suspended, the court must notify any other departments of the court of the suspension in writing. Upon receiving such notice, the other departments of the court shall suspend any other proceedings relating to the defendant until the defendant is determined to be competent.

[1911 Cr. Prac. § 536; A [1919, 416](#); 1919 RL § 7386; NCL § 11184]—(NRS A [1967, 1449](#); [1981, 1656](#); [1991, 1003](#); [2003, 1018](#); [2007, 186](#))

### **Speedy Trial:**

**NRS 174.511 Right of State to trial within 60 days after arraignment; exceptions.** The State, upon demand, has the right to a trial of the defendant within 60 days after arraignment. The court may postpone the trial if:

1. It finds that more time is needed by the defendant to prepare a defense; or



2. The number of other cases pending in the court prohibits the acceptance of the case for trial within that time.

(Added to NRS by [1983, 1670](#))

### **Order for Dismissal:**

#### **NRS 178.556 Dismissal by court for unnecessary delay.**

1. If no indictment is found or information filed against a person within 15 days after the person has been **held** to answer for a public offense which must be prosecuted by indictment or information, the court may dismiss the complaint. **If a defendant whose trial has not been postponed upon the defendant's application is not brought to trial within 60 days after the arraignment on the indictment or information, the district court may dismiss the indictment or information.**

(Added to NRS by [1967, 1456](#); A [1985, 65](#); [1991, 70](#))

## **LOCAL RULES OF PRACTICE FOR THE JUSTICE COURT OF HENDERSON TOWNSHIP**

**Rule 11. Motions: Procedure for making motions; affidavits and unsworn declarations; renewal and rehearing of motions.**

(a) A party filing a motion shall also file and serve with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious and cause for its denial or as a waiver of all grounds not so supported.

(b) Within 10 days after the service of the motion, the opposing party **shall** file and serve a written opposition thereto, together with a memorandum of points and authorities and supporting affidavits or unsworn declarations, if any, stating facts showing why the motion should be denied. **Failure of the opposing party to file and serve a written opposition may be construed as an admission that the motion is meritorious and consent to granting the same.**

[Added; effective December 23, 2020.]

### **Documents not signed:**

**Rule 16. Appearances in pro se.** Unless appearing by an attorney regularly admitted to practice law in Nevada and in good standing, no entry of appearance or subsequent document purporting to be signed by any party to an action shall be recognized or given any force or effect unless the same shall be notarized, or signed with an unsworn declaration pursuant to **NRS 53.045**, by the party signing the same. Corporations and limited liability corporations shall be represented by an attorney.

[Added; effective December 23, 2020.]

**NRS 53.045 Use of unsworn declaration in lieu of affidavit or other sworn declaration; exception.** Any matter whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and dated, in substantially the following form:

1. If executed in this State: “I declare under penalty of perjury that the foregoing is true and correct.”

Executed  
on.....  
(date) (signature)

(Added to NRS by 1993, 2741; A 2001, 2349; 2011, 15)

**Rule 50. Filings that may be rejected.** The court may reject filings that:

- (a) Do not include the appropriate filing fee;
- (b) Do not contain original signatures where required;

[Added; effective December 23, 2020.]

**Nevada Civil: Rule 11** - Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions (a) Signature. Every pleading, written motion, and other paper must be

signed by at least one attorney of record in the attorney's name-or by a party personally if the party is unrepresented.

State Officer:

Probable Cause Hearing:

Public Defenders Motto:

The Office of the Clark County Public Defender provides zealous representation for our clients accused of crimes. We practice in front of all of the Justice Courts in Clark County, before the 8th Judicial District Court and before the Nevada Supreme Court.

We are dedicated to aggressive, quality representation and, when appointed by the court provides a full range of criminal litigation service to our clients.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Jeromy Oelker

Petitioner,

v.

Attorney General of the State of Nevada, et  
al.,

Respondents.

JUDGMENT IN A CIVIL CASE

Case Number: 2:23-cv-01731-GMN-BNW

— **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

— **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

× **Decision by Court.** This action came for consideration before the Court. The issues have been considered and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED**

that judgment is entered in favor of Respondents and against Petitioner dismissing this case with prejudice. IT IS FURTHER ORDERED that petitioner is denied a certificate of appealability because jurists of reason would not find debatable whether the court is correct in dismissing this action. Case closed.

11/29/2023

Date

DEBRA K. KEMPI

Clerk



/s/ C. Torres

Deputy Clerk

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JEROMY OELKER,

Petitioner,

v.

NEVADA ATTORNEY GENERAL,

Respondent.

Case No. 2:23-cv-01542-ART-EJY

ORDER

This habeas corpus action was initiated, *pro se*, on September 28, 2023, by Jeromy Oelker. It appears from Oelker's filings, and from information available on the website of the Nevada Department of Corrections, that Oelker recently served a prison sentence in Nevada and is no longer in state custody; it appears that he was on parole when he initiated this action.

On September 28, 2023, Oelker submitted to this Court an Application to Proceed *in Forma Pauperis* (ECF No. 1), a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (ECF No. 1-1), exhibits in support of his petition (ECF No. 1-2), and a civil cover sheet (ECF No. 1-3). On October 11, 2023, Oelker filed a Consent for Electronic Service of Documents (ECF No. 2). On October 16, 2023, he filed an amended Table of Exhibits (ECF No. 3) and a "Memorandum of Support" (ECF No. 3-1), which contains argument in support of his habeas petition.

The Court will deny Oelker's Application to Proceed in Forma Pauperis (ECF No. 1), as it appears, from the information provided in his application, that is able to pay the \$5 filing fee for a habeas action. Furthermore, the Court will dismiss this action, without prejudice, for the following reasons.



1 Oelker initiated this action under seal; the entire case—all the documents  
2 filed in it—are under seal. He did not, however, file a motion for leave of court to  
3 file any documents under seal. *See* LR IA 10-5 (Sealed Documents).

4 Oelker's petition (ECF No. 1-1) does not comply with LSR 3-1, which  
5 provides: "A petition for writ of habeas corpus under 28 U.S.C. § 2254 must be  
6 on the form supplied by the court or must be legible and substantially follow  
7 either that form or the form appended to the Rules Governing Section 2254 Cases  
8 in the United States District Courts."

9 In large part because Oelker did not draft his petition using an approved  
10 form of petition, his petition does not provide sufficient information for the Court  
11 to screen the petition pursuant to Rule 4 of the Rules Governing Section 2254  
12 Cases in the United States District Courts. As examples: there is insufficient  
13 information provided in the petition regarding any appeal or petition for post-  
14 conviction relief pursued in state court, precluding the Court from determining  
15 whether his claim is exhausted in state court; and there is insufficient  
16 information provided regarding the background of his case for the Court to  
17 determine whether his petition complies with the applicable statute of limitations.

18 If Oelker chooses to pursue a federal petition for writ of habeas corpus, he  
19 must initiate a new action (he should not put the case number of this case on  
20 documents submitted to initiate a new action); he must either pay the \$5 filing  
21 fee or submit a fully completed application to proceed *in forma pauperis* on the  
22 correct form; he must submit a petition for writ of habeas corpus in compliance  
23 with LSR 3-1 with respect to the form of the petition; his petition must be fully  
24 completed and legible; if he wishes to file any document under seal, he must  
25 contemporaneously submit a motion for leave of court to seal such document,  
26 explaining his need to file the document under seal.

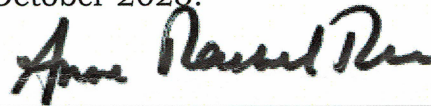
27 It is therefore ordered that Petitioner's Application to Proceed *in Forma*  
28 *Pauperis* (ECF No. 1) is denied.

1  
2 It is further ordered that this action is dismissed without prejudice. The  
3 Clerk of the Court is directed to enter judgment accordingly and close this case.

4 It is further ordered that Petitioner is denied a certificate of appealability  
5 because jurists of reason would not find debatable whether the Court is correct  
6 in dismissing this action.

7 It is further ordered that the Clerk of the Court is directed to add Aaron D.  
8 Ford, Attorney General of the State of Nevada, to the docket for this case, as  
9 counsel for Respondent, and serve Respondent with a copy of this order.  
10 Respondent need take no action with respect to this case.

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13 DATED THIS 18<sup>th</sup> day of October 2023.

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15 ANNE R. TRAUM  
16 UNITED STATES DISTRICT JUDGE  
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